University of Alberta

Rendering Organized Crime Governable in Canada

by

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Canada

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CHAPTER ONE

RENDERING ORGANIZED CRIME GOVERNABLE IN CANADA

The term organized crime is widely misinterpreted but nevertheless used with increasing frequency by academics, politicians, the media and law enforcement. This thesis focuses on the consequences of selected regulatory discourses on current formulations of organized crime in Canada.[1] With growing attention paid to organized crime from national and international law enforcement agencies, Canadian political and legal interventions are increasing in magnitude and diversity (Beare, 2003). Accordingly, responses and actions taken to govern organized crime continue to diversify and proliferate outside of the reach of regulatory institutions designated to govern. Connections between law enforcement agencies and government departments, private sectors, and other relevant extra-agency collaborations have been established. In addition, agencies have increased levels of participation in international conferences, symposiums and workshops dedicated to one dimension of organized crime or another (Sheptycki, 2003a). In the end, governing thought and actions said to relate to organized crime spans an exceedingly wide range of people, places and zones. Moreover, there is little agreement about precise definitions of organized crime or the response best suited to regulate it.

Two events have especially focused political attention to organized crime: the biker wars in Quebec in the 1990s and the terrorist attacks on September 11, 2001 (Law Commission of Canada [LCC], 2002].[2] Political and legal responses to both events initiated important transformations in perceptions of organized crime. Perhaps two of the most powerful reactions occurred in 1997 with the implementation of Canada's first anti-

gang legislation (Bill C-95), and the transition in status for organized crime from regulatory concern to a national top priority in 1998. Since then, organized crime has remained a central topic and target of political and regulatory discourses. The shift in status to high priority has encouraged forms of government that embrace increasingly unconventional practices, including the use of diverse (including non-state) agencies charged with specifying the nature of a given problem, and the responses best suited to regulate it. Such events have attracted considerable academic attention paid to organized crime as an object of study researched and theorized from a number of perspectives, methodologies and empirical sites. Taking its cue from that literature, this thesis examines the similarities and differences in patterns of thought and action between three regulatory agency discourses: the Department of Justice Canada (DJC), the Royal Canadian Mounted Police (RCMP), and the Criminal Intelligence Service of Canada (CISC). My specific interest is in describing how each agency produces organized crime into an object of governance, by inquiring into how regulators select, privilege and value certain knowledge and particular claims. My approach is primarily theoretical, which is not to say it is better or worse than other methodologies or approaches. Rather, it seeks to contribute to debates in a specific way, by providing a critical analysis of the presupposed notions about organized crime currently in effect, and reorients a focus to alternative ways of thinking. As such, my analysis questions the current limitations of discourses that shape the perceptions of organized crime in three regulatory agencies, and concludes by identifying instances in the discourses where knowledge is seemingly overlooked, avoided or contradictory.

Examining regulatory discourses allows for the extraction, isolation and analysis of the assumptions to provoke and guide dominant law enforcement mentalities about organized crime. It also provides insight into the reasoning that validates the development and implementation of certain responses. This mode of investigation involves examining the persuasive ways regulatory knowledge produces distinct representations of organized crime, thereby reinforcing its assessment as a manageable problem. Such an inquiry is important in that it not only reveals the assumptive guidelines sustaining and perpetuating regulatory thought about organized crime, but it also reveals the gaps in regulatory thought.

The analysis chapters (three, four and five) are set up to identify and to address organized crime from a specific theoretical framework. Chapter Two examines key debates concerning organized crime in a review of the literature. It also specifies the theoretical model and methodology used to analyze the question of how organized crime is produced in each discourse. The literature review indicates some of the current debates between absolute and critical concepts, as well as definitions of organized crime. In particular, it takes issue with the currently predominant tendency to research organized crime using predetermined ideas - such as the structure of the criminal organization, racial factors, and signature crimes - to study organized crime. These approaches often depict organized crime in alignment with political and moral (good/evil) assumptions and the same assumptions established by law enforcement and other legal influences, to determine organized crime as a legal object (criminal/non-criminal). By contrast, this thesis examines how these assumptions continue to circulate in regulatory discourses to maintain fixed ideas about organized crime. It also investigates how multiple knowledge

fields, such as liberal, economic, civil, political and administrative, coincide with existing regulatory assumptions to increase the number of possible meanings associated with the concept of organized crime. One of the main objectives of my thesis is to disentangle law enforcement assumptions, and input and perspectives from external sources, to problematize the exact points in the discourse where diverse knowledge produces multiple concepts of organized crime.

Arguments from a constructionist perspective tend to stress contextual and linguistic factors and assumptions. Although this thesis aligns more closely with constructionist perspectives, it is unique in that little research has examined the influence of discourse on the formation and facilitation of organized crime from a Canadian law enforcement perspective. Rather, such theoretically inclined approaches have remained subjugated in a research environment preferring to utilize the definitions currently in existence.

The theoretical perspective used in this thesis helps to clarify how the discursive processes used by regulators come to identify and address the concept of organized crime. Borrowing from Foucault (1991, 1997), the theory of governmentality considers organized crime to be an object of government that is the product of governmental rationalities (processes of reasoning) inherent in regulatory discourses. Dean (1999) streamlines Foucault's theorizing into an analytics of government approach, which is particularly concerned with the specific conditions through which particular entities emerge, exist and change, and the conditions under which regimes of practices come into being, are maintained and are transformed. The analytics of government framework applies to the study of discourses in this thesis. Foucault states that discourses take on a

specific meaning to represent the unity of power-knowledge relations (1991b: 59). Power is not necessarily a negative or repressive force, but rather a system producing things, such as knowledge, pleasure, and so on. On the other hand, knowledge as it applies to (political) rationalities has the dual function of *informing* the rules and procedures of government and *determining* the domain of objects enabling claims of truth about organized crime. Foucault (1977) contends that power and knowledge are not separate from one another, but are in a close relationship of implying one another. Discourse is the platform from which these interactions take place to produce, generate and maintain rationalities and versions of truth about organized crime through a highly specific perceptive network.

The methodology for this analysis derives from the analytic of government framework. It first requires a reconstruction of the assumptions used to understand the complex meanings involved in relation to the emerging perceptions of organized crime. A diagram is set up to illustrate the authorities in charge of governing organized crime, the structure and function of each agency, the relationships between these three agencies, how they come to define and respond to organized crime, and the objectives of each agency (Dean, 1999). Additionally, analytic content analysis methods were combined to understand the multiple definitions and conceptions of organized crime produced in three distinct regulatory discourses.

This approach is applied to the discourses concerned with organized crime in Chapters three, four and five. These chapters deal with the legislative component of the Department of Justice Canada (DJC) Committee Hearings, the RCMP and CISC. In Chapter Three, I analyze transcripts of eight committee hearings relevant to the

formulation of *Bill C-24: An Act to Amend the Criminal Code* (The Organized Crime and Law Enforcement Act). The Committee Hearings consist of a central Committee composed of 15 politicians and one chairperson, and includes numerous witnesses from law enforcement and criminal justice agencies in Canada. Chapter Four considers the processes of reasoning inherent in the RCMP discourse on organized crime. Using public documents from RCMP magazines, websites, performance reports and other sources, I problematize the current dominant assumptions behind RCMP depictions of organized crime, and consider the influence of external partner knowledge on views towards organized crime. The documents analyzed in Chapter Five include seven *Annual Reports on Organized Crime in Canada* produced by CISC. These reports are published annually to provide updates and informed knowledge sources to the public about organized crime actions and activity in Canada.

In these chapters, an analysis of the rhetorical strategies and rationales reveals the persuasive formulations of power/knowledge relations as they coalesce to produce various depictions of organized crime. In addition, these chapters examine the role of rationalities about organized crime as they justify techniques and strategies of government in addition to validating multiple connections and partnerships between law enforcement and their external partners.

Chapter Six considers the contradictions between different knowledge about organized crime produced in all three regulatory discourses. It also examines how regulators choose to include and emphasize certain information about organized crime, and disregard different and alternative sources of knowledge. I propose that broadening the ways to *think* about organized crime might be useful for regulators to consider other

aspects of organized crime. This form of theoretical analysis may also shift attention to consider alternative *perspectives* instead of the current regulatory focus aimed at expanding and diversifying *responses*. To do so, I refocus attention onto less influential, or currently unavailable, assumptions about organized crime in the Committee Hearings, RCMP and CISC discourses. Although these assumptions are usually present or, at least, hinted at, they receive minimal attention from regulators in favor of the preferred, predominant assumptions about organized crime presently responsible for informing and guiding the many practices emerging for these agencies.

NOTES FOR CHAPTER ONE

[1] For an overview of organized crime in a Canadian context, see Sheptycki (2003a).
[2] See the Law Commission of Canada (LCC) for a number of academic contributions about how September 11, 2001 changed Canada. (2002)

CHAPTER TWO

LITERATURE REVIEW, THEORETICAL FRAMEWORK AND METHOD

The notion of organized crime has emerged and been sustained through political institutions, the media, regulatory agencies, international groups, academics and other organizational bodies.[1] This diverse set of individuals and institutions involved in defining organized crime leaves the overall concept of organized crime laden with dissonance and inconsistency. Due to the lawbreaking nature of organized crime, much of the associated activity and business is presumed without definitive detail or evidence to support depictions. My broad concern in this chapter is to describe one specific area of this network of interactions; specifically, the divide between assumptions producing definitions based on its real qualities versus definitions emphasizing the constructed nature of organized crime.

This chapter is organized into the following sections. First, I outline the current debates surrounding the concept of organized crime by dividing academic literatures into those utilizing predetermined ideas about organized crime (absolute definitions), from research critically inquiring into other contextual factors that may influence definitions of organized crime (constructionist definitions). In the second section, I outline my thesis question in light of these debates. The third and fourth sections introduce and explain the theoretical framework and methodology from which my analysis proceeds, and considers how this particular theoretical approach distinguishes this thesis from more mainstream approaches to the study and control of organized crime.

'Absolute' Definitions of Organized Crime

Traditional debates around the definition of organized crime focus on reproducing definitions of organized crime emphasizing its real qualities. This body of literature is united by common beliefs that organized crime is decipherable by its motivation for profit, how racial factors influence and propagate group structures, criminal activities, and so on. Focusing on these constituents differentiates organized crime into a separate entity from society by focusing on discrete features of organized crime leading to oversimplifications. The focus is on organized crime and fails to account for larger social, political, economic and historical factors that may also contribute to specific definitions.

In many cases, the term organized crime is interchanged with terms such as transnational crime, international crime, criminal organization, criminal groups and gangs.[2] Regardless of the exact referent, organized crime is understood as distinguishable from legitimate social practices. The re-use and reiteration of certain stereotypical features in the academic literature further perpetuates pre-conceived notions about organized crime. For instance, Lyman and Potter define organized crime by identifying certain supposedly essential traits and features. For instance, organized crime is said to be non-ideological (no political goals), hierarchically structured, have a limited or exclusive membership, are self-perpetuating, use illegal violence (or the threat of it) and bribery, demonstrate a specific division of labor, are monopolistic, and are governed by explicit rules and regulations (which include a code of secrecy) (2000: 7).

At the heart of this interpretation, the authors perpetuate a view of organized crime discrete from 'good' society based on presumptions that organized crime is in conflict with the fundamental interests of democracy, freedom and law. For them, it

begets further crime and criminality, and systematically evades law enforcement detection.

The oversimplification of such explanations has led researchers away from general, basic descriptions to more specific and detailed accounts based on empirical research. Weisel, Decker and Bynum (1997) surveyed 37,000 police agencies in the United States to identify gang types, based upon level of organization, demographics, criminal activities, relationships among criminal groups and evolving nature of criminal groups over time. They found that gang size appears to be significant in predicting the degree of organization. For instance, they argue that the highly organized criminal organizations are a direct result of having better opportunities to network and associate with other crime groups. This research concludes that the structure of the criminal organization affects the ability to plan and execute criminal activity and interact or associate with other crime groups.[3] This interpretation also compartmentalizes organized crime into different groups who compete and work together to gain an edge in various criminal markets.[4] Still other researchers maintain that the number and diversity of groups does not necessarily constitute the foundation of organized crime. Rather, it is the racial make-up determining the degree of cohesion within criminal organizations since success depends on loyalty. In addition to competition for resources and profit, ethnicity and race play a part in the existence of organized crime.[5]

More research that is recent has countered the traditionally popular alien conspiracy theory[6] by stressing criminal activity as the primary signifier determining organized crime[7] or criminal groups.[8] While both of these theories acknowledge a relationship between the group structure and criminal activity, this research tends to favor

the group as the center of analysis and ignores other factors. For example, Milhaupt and West (2000) study organized crime in Japan and propose that the State provides the conditions for organized crime to flourish and even determines the potential for success.[9]

Levi (1997) argues that in the last decade, new police responses have developed to counter organized crime.[10] He contends that there has been a distinct shift in focus from monitoring persons involved in organized crime to monitoring money trails from money laundering practices.[11] Other research dealing with changing law enforcement responses to organized crime suggests that the most recent policing trend has been to incorporate technology to facilitate better communications across national and international jurisdictions. Schlegel argues that, 'a first step in addressing transnational organized crime requires a thorough understanding of the technology of offending and the nature and mechanisms for reducing regulatory conflict between law enforcement agencies' (2000: 365).

There is a body of research in the literature about organized crime which suggests strategies that the police should take to improve their effectiveness in regulating organized crime. Often these suggestions take many directions and emphasize different facets of organized crime's presumed behavior and activity. Underlying these researchers' positions is the presumption of a fundamental incompatibility between organized crime and law enforcement. This opposition influences and structures researchers' perceptions and motivates the type of research questions being asked. It also presumes organized crime to be an absolute phenomenon and therefore study its presumed character.

'Constructionist' Definitions of Organized Crime

In comparison to the literature dedicated to the absolute dimensions of organized crime, the critical or constructionist literature is rather more modest. Research focusing on fixed depictions of organized crime led some researchers to contend that these factors alone do not comprise the foundation of organized crime. Rather, these authors stress the susceptibility of definitions[12] of organized crime to shifting political climates, changing economic markets, time and history, and other contextual influences. From this perspective, organized crime is typically perceived in relation to larger, external or situational influences (see Beare, 2003).

Preconceived notions of organized crime are often critiqued in the constructionist literature on organized crime. The constructionists believe that what appears to be definitive features and assured responses to organized crime behavior and activity are simply contingent upon contextual matters and definitional/conceptual problems. Von Lampe (2001) notes,

> The reality of organized crime consists of a myriad of mostly clandestine, diverse and complex aspects of the social universe. They do not readily fall into place to form an easily identifiable entity. Rather, it takes a cognitive and linguistical construct in order for us to perceive these phenomena as interrelated.

This interpretation forces a reconsideration of predominant assumptions about organized crime and considers how context and language create and perpetuate these notions.[13] Rather than isolating organized crime into a distinct phenomenon, it is viewed as a product of historical interpretation and connotation and the confusions produced as a result.[14]

Other constructionist-based appraisals of organized crime reject the idea that organized crime can be reduced to a singular set of factors such as criminal activity, location, race or structure, and argue instead for a more conditional view of organized crime. There appears to be a conscious effort to avoid positions which utilize strict constructionism[15] from positions which are critical but retain selective attention to objective conditions. This often results in reinterpretations of long-standing assumptions by the critical reevaluation of mainstream notions about organized crime. For instance, Paoli (2002) contends that the social and political conditions in Post-Soviet Russia are responsible for increasing drug demands. She argues that an illicit drug market emerged at the same time that law enforcement and the political sphere fell apart. In this context, organized crime is viewed as the product of combined socio-legal and political factors. Thus, the concept of organized crime is not generated through a collapse in social order, but through the opportunity for better social conditions. While this argument does not entirely transcend preconceived notions, it does broaden the scope of thought to consider circumstances other than personal responsibility.

Similar contextual analyses offer interpretations positioning contemporary organized crime as a reflection of the changing nature of urban structure in global times. Lea uses this global backdrop[16] to compare traditional organized crime to contemporary organized crime. He argues this transition occurs by:

> The social crime[17] of early capitalism is turned on its head from the criminalization of the working class defense of traditional moral economy, and to the control of the latter by crime. The drugs economy, finding its labor force in the ranks of the permanently unemployed, brings together all the elements of the global city: that is, a major form of employment in the informal sector, linked, through global division of labor and money laundering, to the financial sector. (1997: 51)

In other words, what used to be unorganized crime existed because of a lack of effective communication structure and distribution channels. With the advent of globalization, unorganized becomes organized crime due to the enhanced ability to communicate at the national and international level.[18] He argues that the link between organized crime and the globalization of social and financial networks corresponds to the fusion of individual criminals into criminal organizations. At the same time, organized crime remains distinct by its perceived association to the drug market and violent activity.

Instead of focusing on how globalization enhances systems of communication, Ruggiero criticizes how the misuse of the term globalization excuses faulty policy and policing efforts. He contends that, 'these arguments presuppose the existence of idyllic free markets where perfect competition reigns, and fail to take into account the variety of devices which render markets skewed and distorted well before organized crime gains access to them' (2000: 192). This view reverses even constructionist approaches by deconstructing the market to interpret organized crime. Although an interesting approach, it remains negligible in comparison to mainstream notions.[19]

The importance of Ruggerio's argument is that it signals a shift in thought. If organized crime continues to be construed as a discrete entity, there is no reason to accept that the economic (or political) domains play any role in enhancing or assisting organized crime. If the concept of organized crime connects to the idea of legitimate economies, then responses manufactured to regulate organized crime incur economic rationalities.[20] While Ruggerio's interpretation critically inquires into the assumptions of organized crime, it simultaneously perpetuates an economic view of organized crime by placing the analysis into a market context.[21]

Constructionist academic literature accentuates the complexity of organized crime as a concept. These researchers point to the conceptual relativism of the term organized crime by considering the contextual factors involved in defining organized crime. They also acknowledge the complexities of the concept by questioning the assumptions used to construct absolute and fixed definitions. Although many constructionist arguments take a critical stance towards definitions of organized crime, many continue to imply and maintain the same assumptive frames of reference. It is perhaps important at this time in the debate to examine how some of these primary assumptions come to exist and continue to (re-)produce the same definitions to influence perceptions about organized crime.

THESIS QUESTION

The complex assumptions used to define organized crime need to be examined rather than presumed, reproduced and/or simply reinterpreted. In this thesis, the aim is to describe the ways in which the phenomenon organized crime is made into an object of governance. To do so, I inquire into the rhetorical mechanisms used in three Canadian regulatory discourses to maintain and perpetuate certain predominant assumptions about organized crime. I also examine how these rhetorical strategies produce larger rationalities to justify and legitimize the practices deemed by regulators to be solutions to the organized crime problem. This analytic process reveals how assumptions produce limiting effects to regulatory thought about organized crime by dismissing and disregarding alternative thought.

With these three considerations in mind, my thesis asks, what are the discursive processes that constitute the rationalities producing organized crime as an object of

government? To answer this question, I focus on identifying the assumptive frames of reference used by regulators to produce definitions of organized crime. This involves examining the types of knowledge, expertise and means of calculation (rationalities) used by each agency to discern and represent organized crime. I seek to identify and isolate the rhetorical strategies constituting definitions of organized crime to understand how such discursive processes guide and inform regulatory perceptions. I then consider how each definition justifies the applications and techniques proposed to govern organized crime.

The three regulatory agencies analyzed are the Department of Justice Canada [DJC], the Royal Canadian Mounted Police [RCMP] and the Criminal Intelligence Service of Canada [CISC]. In particular, my analysis of the DJC focuses on eight Committee Hearings comprising the first stage of the legislative process leading to the final draft of *Bill C-24: An Act to Amend the Criminal Code* (*Organized Crime and Law Enforcement Bill)*. For the purpose of this analysis, I will refer to the Committee Hearings as an agency of government. I chose these three agencies because they all have a specific stake in the government of organized crime. They are also influential sites due to their authoritative positions as primary regulatory institutions in Canada. This implies their credibility and legitimacy to create understandings of organized crime as a phenomenon, and legitimizes these perceptions as the basis for understanding organized crime at national and international levels.

Working from the previous literature, I focus on the rhetorical mechanisms producing and reproducing assumptions and definitions of organized crime in the context of each institutional discourse. This form of analysis questions how certain prevalent assumptions – i.e. organized crime acts solely for profit and is structured in an

identifiable manner – emerge, exist and sustain in each discourse. It focuses instead on identifying and unraveling the tangled set of deterministic assumptions producing such definitions from the agencies in charge of controlling and regulating their behaviors and actions.

A central premise of this thesis is that dominant perceptions of organized crime are conditional upon the bodies charged with their regulation. Moreover, I argue that such assumptions are the predominant factors sustaining these perceptions, and are the mechanisms responsible for constructing the limits of regulatory rationalities and practices through the prohibition of alternative knowledge. As a result, one of my questions inquires into how discursive limits remain intact. Although the majority of this argument seeks to problematize the instances where assumptions exist, I also consider the points at which knowledge is less certain, overlooked and unnoticed. Gauging less popular and less influential knowledge, provides a more precise insight into the ways by which institutional discourses produce limits to the concept of organized crime. In order to understand how the implementation of such actions correspondently informs the production of knowledge, requires clarification of certain central theoretical concepts guiding this analysis.

THEORETICAL FRAMEWORK

The proposed discursive analysis requires a theoretical orientation enabling a comprehensible direction and focus. It is therefore important to outline the theoretical position from which this research question proceeds. The following section outlines an analytics of government approach (Dean, 1999). I examine the influence of power/knowledge relations in discourse to generate rationalities about government. I also

consider how rationalities produce truths about organized crime to legitimate tactics and strategies of government. Overall, these tenets compose the theoretical foundation and direction informing and guiding this thesis.

Analytics of Government Perspective

In this thesis, I adopt an analytics of government to analyze the power/knowledge relations in three regulatory discourses. Informed by Foucault's (1991a) lecture on governmentality, Dean argues that analytics refers to a type of study concerned with an analysis of specific conditions under which particular entities emerge, exist and change. The analytics of government goes further to examine the conditions under which regimes of practices come into being, are maintained and are transformed (1999: 20-21). In this perspective, regimes of practices[22] refer to the harmonization of thought and action responsible for producing particular discursive truths or realities about organized crime. Such regimes are dependent upon particular ways rationalities[23] formulate in the discourse. In a discursive analysis, rationalities of government call into question the forms of thought, knowledge, expertise, means of calculation employed in the practices of governing (Dean, 1999: 31). They also legitimize and inform the means, mechanisms, procedures, applications, tactics and techniques proposed and implemented by the DJC, RCMP and CISC to constitute authority and regulate the actions of organized crime (Dean, 1999: 31).

In general, an analysis of government is concerned with the means of calculation (both qualitative and quantitative), the type of governing authority or agency, the forms of knowledge, techniques and other means employed, the entity to be governed and how

it is conceived, the ends sought and the outcomes and consequences (Dean, 1999: 11).

Dean outlines four major premises constituting this theoretical framework:

- characteristic forms of visibility, ways of seeing and perceiving,
- distinctive ways of thinking and questioning, relying on definite vocabularies and procedures for the production of truth (i.e. those derived from the social, human or behavioral sciences),
- specific ways of acting, intervening, directing, made up of particular types of practical rationalities ('expertise' and 'know-how'), and relying upon definite mechanisms, techniques and technologies,
- typical ways of forming subjects, selves, persons, actors or agents (1999: 23)

At this point, a more detailed examination of these theoretical premises is necessary to clarify the complex ways they operate in a discursive analysis.

Discourse: Power/Knowledge Formations

One way to comprehend the relationship between power and knowledge in discourse is through power's productive capacity. Foucault articulates this relationship as, 'power produces; it produces reality; it produces domains of objects and rituals of truth; the individual and the knowledge that may be gained of him belong to this production' (1977: 194). He also argues that the formation and accumulation of new forms of knowledge enables multiple and changing effects of power (1977: 226). Viewing power/knowledge relations as productive reflects the ways in which the Committee Hearings, RCMP and CISC use knowledge about organized crime to produce certain viewpoints and practices. They assume organized crime to be a collectivity or population rather than an individual.

Whereas power and knowledge are inextricably related, the productive effect of a given power/knowledge assemblage is to create the limits of a given discourse. Foucault contends that boundaries exist, when limiting effects produce unities of discourse:

> The field of discursive events is a grouping that is always finite and limited at any moment to the linguistic sequences that have been formulated; they may be innumerable, they may, in sheer size, exceed the capacities of recording, memory of reading; nevertheless they form a finite grouping. (1972: 28)

That is, by virtue of the linguistic sequences of finite groupings, it is possible for a discourse to define and outline the key assumptions of organized crime. While discursive events imply the process of limit construction, discursive formations are concerned with how statements and languages are initially possible, the conditions of their singular emergence and their correlation with other previous or simultaneous events (discursive or otherwise) (Foucault, 1991b: 59).[24] To understand this image of discourse – the rationalities inherent within particular discursive contexts and the transference of power-knowledge into practical effects – a more detailed discussion of both knowledge and power is required.

Knowledge, Rationalities of Government and the Production of Truth

Through discourse, power/knowledge interactions influence and encourage the creation of specific rationalities to produce truths and realities. Dean contends that a rationality of government is a form of knowledge arising from and informing the activity of governing (1999: 31).[25] It is a way or system of thinking about the nature of the practice of government (who can govern, what governing is, what or who is governed), and making some form of that activity thinkable and practicable both to its practitioners and to those upon whom it was practiced (Gordon, 1991: 3).[26] In Foucault's terms, rationality depends on two axes,

> On the one hand, that of codification/prescription (how it informs an ensemble of rules, procedures, means to an end, etc.), and on the other, that of true or false formation (how it determines the domain of objects about which it is possible to articulate true or false propositions). (1991c: 79)

According to Rose, rationalities enable regimes of truth, which substantiate actions to shape and structure the actions of others, dictate ways of speaking truth, determines the persons authorized to speak truths, the ways of enacting truths and costs of doing so (1999: 19). Both Foucault and Rose note the diverse ways rationalities operate in discourse to enable and produce truths and realities. Since rationalities are inherent to power/knowledge formulations, so are notions of truth and reality. The idea of truth is possible when discursive mechanisms operate to depict organized crime in specific (and finite) way. Malpas argues that the 'truth is a politically powerful notion that is closely bound to its central role in speaking and judging,' and that, the unity or consistency of truth is necessary for the possibility of meaning (1996: 162).[27] Similar to limiting effects in discourse, therefore, truths emerge from finite groupings of knowledge. Instigating and creating truths is only possible through the limiting effects of speech and rhetoric. In the context of organized crime, the discursive unity producing truth stems from the sustenance of regulatory assumptions and their ability to influence, circulate and transform within discourses. As such, these assumptions produce the limits enabling truths about organized crime to persist. In the political context that Malpas is speaking, truth enables political influence through the exclusion of alternate knowledges. In Roses terms, politically instigated truths are an apparatus of intelligibility which discerns what is important by deciding, excluding and framing thought and action (1999).

So far, the meaning of rationality (and knowledge) contrasts to the idea of rationalization in the absolute and empirical sense. Foucault reconfigures empirical and absolute connotations associated to reason to offer an interpretation stressing

instrumental and relative meanings. For example, he associates empirical reason to social Darwinism (a biological/human science) to illustrate how the rationality of racism justified Nazism (1984: 249).[28] This thesis adopts Foucault's notion of reasoning or rationality in the instrumental and relative meaning of the term (1991b).

Certain theorists propose that political rationalities are a unique form of thought consisting of certain features and characteristics to distinguish them from the broader governmental rationalities.[29] For example, Rose (1999) contends that political rationalities have a distinctive moral form,[30] epistemological character,[31] and a particular idiom or language, which directs, includes and excludes certain elements of thought. For his part, Dean contends that political rationality is any form of calculation about political activity which has as its objective the influence, appropriation, redistribution, allocation or maintenance of powers of the government of the state or other organizations (1999: 32). Comparatively, Foucault's ideas about politics and discourse are less specific, 'the *episteme* is not a general developmental stage of reason, and it is a complex relationship of successive displacements' (1991b: 55).[32]

Despite a lack of consensus around one definition of political rationalities, this thesis takes them to be forms of knowledge used to calculate, manipulate and transform the actions and practices of others in both direct and indirect ways. Moreover, rationality as a form of knowledge links to power in the form of techniques and strategies (practices) of government to regulate the actions of others.[33] This view aligns with Foucault, who notes that knowledge and power are inextricably related: each implies each other, and for power to be successful in structuring the actions of others, it

relies upon knowledge of the target or the field of operations being addressed (1988: 138-39).

To be clear, this interpretation of knowledge is not singular or static, but depends upon a fundamental relationship with power to derive its meaning. It seeks to avoid absolutist or finite meanings that could confine patterns of thought or produce specific truths. In consequence, understanding knowledge requires a more explicit discussion of power.

The Materialization of Power: Technologies, Strategies and Regimes of Government

Foucault's notion of power turns away from older images of constraint (see Gordon, 1980). He argues instead that power is productive rather than something that is inherently confining:

> ...but that it traverses, produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered a productive network which runs through the whole social body, much more than a negative instance whose function is repression. (2003b: 300-18)

While power has the potential to produce beneficial effects upon individuals and society, he also argues that this power operates on individuals who are free to function in a continuous and anonymous fashion. In this literature, 'freedom' is defined as a 'balance of forces' whenever and wherever human relations exist, and considered by Foucault to be the element in human capacity influenced and controlled by power (2003c).

This vision of power's productive capacity is of particular interest to this thesis. Since my analysis also considers the points at which rationalities justify technologies of government, it is important to understand how power relations influence the actions of organized crime. Foucault argues that analyzing power in its practical form requires the

identification of, 'a more or less organized, hierarchical, cluster of relations' (1980: 198) rather than with, 'concrete politics and the actual people they involve' (1988: 138). He contends that the legitimacy of such an analysis depends on studying a carefully defined institution and isolating the central features of power relations. Identifying power relations involves recognizing and isolating the systems of differentiation permitting such identifications. This includes discovering how one influences the actions of others; the types of objectives pursued governors; the instrumental modes involved (i.e. whether power is exercised by the threat of arms, by the effects of speech, by economic disparities, and so on); the forms of institutionalization (i.e. a single apparatus or complex systems in multiple apparatuses); and, the degrees of rationalization (2003c: 139-144).

Recognition of these features enables power's omnipresence to reveal as it links to knowledge and produces practical effects (the materialized form of power). In the analytics of government terminology, the materialization of power is the *techne* of government. It operates in discourse to establish the 'means, mechanisms, procedures, instruments, tactics, techniques, technologies and vocabularies which authority is constituted and rule accomplished' (Dean, 1999: 31). While *techne* or, *technologies of government*, imply smaller-scale activations of power, governmental *strategies* are the larger-scale manifestations of power. Perhaps the best way to distinguish technology from strategy is through Foucault's analogy of warfare:

> It is the strategy that makes it possible to understand warfare as a way of conducting politics between states; it is the tactics that makes it possible to understand the army as a principle for maintaining the absence of warfare in civil society. (1977: 168)

It is at a local level that tactics tend to operate. They are more transparent about their intentions to structure action and leave individuals and population more aware of the direct effects and impositions produced through such calculations and manipulations. On the other hand, strategies operate in a less visible manner. In terms of regulating or controlling actions, these calculations produce less predictable effects.

Having explored the relationship of power/knowledge relations upon rationalities, Foucault argues that practices of government can also lead to wider programmes. On a larger scale, these imply, 'sets of calculated, reasoned prescriptions in terms of which institutions are meant to be reorganized, spaces arranged, behaviors regulated' (1991c: 80).[34] They enable a whole variety of more or less rationalized and calculated interventions attempting to govern the existence and experience of contemporary human beings through acting upon human conduct to direct it to certain ends (Dean, 2002: 322).

Although this overview may reduce many theoretical concepts into a rather organized overview of the analytics of government, it is important to acknowledge that power/knowledge relations do not operate in a systematic fashion. As the analyses chapters reveal, power/knowledge relations operate in the discourse in contingent, changing, indeterminate and often unpredictable ways. At the same time, reviewing the connections between these central premises provides a more informed vision of the analytics of government framework. This theoretical orientation also points towards a system of analysis (methodology) to approach regulatory discourses.

To comprehend the relational patterns of thought and action in regulatory contexts, my methodology outlines how a linguistic (discursive or rhetorical) analysis

provides the conditions for rationalities of organized crime to emerge. I then investigate how linguistic/discursive devices converge to produce larger rationalities and how these rationalities validate and necessitate practices to govern organized crime. This form of analysis allows for the emergence and visibility of dominant assumptions informing regulatory thought about organized crime. It also reveals the discursive processes making defensible the development and implementation of an ever-evolving set of governmental techniques, practices and mechanisms.

METHODOLOGY

My methodology emerges from and is informed by the analytic of government framework described in the previous section. This thesis uses discourse as the central theoretical foundation to analyze the power/knowledge[35] relations constituting rationalities, technologies and strategies of government. Due to the ephemeral and subjective visions and relations implied in this theory, I used a visual approach in the form of a diagram to objectify, mark, inscribe and perceive these relations. This allowed the intricate connections of power/knowledge operating in regulatory discourses to become visible, stable and comparable.[36] It also points to the areas of thought and action responsible for configuring and sustaining assumptions (finite groupings). As noted before, Dean argues that the advantage of a diagram or chart is to clarify:

- who and what is to be governed,
- how relations of authority and obedience are constituted in space,
- how different locales and agents are connected to one another,
- what problems are to be solved and what objectives are to be sought (1999: 30-31)

The materials I shall analyze are documents, articles, speeches, magazines, research reports, minutes of committee meetings and books from the RCMP, CISC and

the Committee Hearings. In order to decipher, elucidate and evaluate initial prominent themes from this large quantity of documentation, a content analysis was initially used to, 'experiment with different codes, test different hypotheses about relationships and facilitate diagrams of emerging theories and preparation of research reports' (Coffrey & Atkinson, 1996, in Bachman & Schutt, 2001: 311).

> It is clearly important that the researcher remains alive to the disjunctions between any given theory and the emerging research results, as much as to the congruence between them; but this may be very hard to achieve if there has been a wholesale adoption of any one theoretical approach. (in King & Wincup, 2000: 38-39).

Content analysis, then, is an additional methodological supplement to organize, guide and indicate possibly overlooked concepts and perspectives. The discursive establishment of organized crime implies a certain methodology attending to the multiple definitions, actions and institutions that define it. The visualization achieved through a diagram and content analysis provides the means to enhance the analytics of government perspective by opening and revealing a set of propositions to indicate the primary assumptions existing in each institutional discourse.

To analyze discourse content, I also applied the following questions (Dean, 1999: 29-38).[37] The first question asks who can govern, what governing is, and what or who is governed (Gordon, 1991: 3). These broad questions entail a more specific look into the status and capacity assumed of both those in authoritative positions and the objects of government. I focus on what conduct is expected of them and how they problematize conduct in order to suggest or frame reform to reveal and comprehend the forms of knowledge, expertise, strategies and means of calculation inherent in governmental rationalities. Asking these questions guided the visualization of rationality formation, by

focusing on the rhetorical devices used by experts and authorities to perpetuate assumptions and perceptions of organized crime.

The second question centers on how practices of government manifest from these rationalities. The concern here is viewing practices of government as assemblages or regimes by identifying the translation of power/knowledge relations into practical effects. This component of the analysis focuses on how technical and strategic aspects of government reflect and reinforce the rationalities produced in institutional discourses.

CONCLUSION

While content analysis extracts themes, and a diagrammatic procedure makes visual the fields of government, these questions are the basic principles guiding and informing my analyses of how the Committee Hearings, RCMP and CISC discourses deal with organized crime in the next three chapters. This theoretical approach and methodology lends to the already existing literature on organized crime by reevaluating (rather than assuming) assumptions about organized crime. The analytics of government framework provides the theoretical foundation to understand how governing bodies rationalize and produce definitions of organized crime. It considers the points in discourses by which assumptions sustain limits on thought and practice by disregarding uncertain and contradictory knowledge. Examining three regulatory agencies (rather than only one) enables insight into the most prevalent perceptions about organized crime. The recurrence of certain assumptions across discourses indicates the most influential premises informing regulators, and constricting the possibility to view organized crime alternatively. Using three different agencies also exposes how definitional contingency exists in relation to the different goals and objectives inherent to each institution.

Organized crime is a complex subject in the discourse, and discussions often involve multiple viewpoints and incorporate many fields of knowledge. This is partially due to the uncertainty of regulators about the exact nature of organized crime. Although the agencies are politico-legal in nature, these institutional discourses also consider organized crime to be an object of economics, business, administration, civil law, globalization, social processes, and so forth. At the same time, deferrals to organized crime's criminal features are heavily reiterated and remain central to all three discourses. This produces a broad and contradictory range of knowledge and viewpoints and confuses the idea of organized crime as a criminal or non-criminal object. The concept of organized crime also alters the idea of legal or criminal government by expanding and transferring legal forms of knowledge and practice away from the Committee Hearings, RCMP and CISC and into the hands of extra-legal agencies.

The next three chapters analyze these three regulatory agency discourses according to the analytics of government. Chapter Three examines eight Committee Hearings relative to the creation of *Bill C-24: An Act to Amend the Criminal Code* (*Organized Crime and Law Enforcement Bill*). The Committee Hearings take place over a period of a month (May to June 2001). The Committee consists of 15 members whom are informed by a number of witnesses (representatives) from criminal justice agencies throughout Canada. Chapter Four analyzes the RCMP discourse on organized crime by examining a wide range of documents (websites, performance reports, magazines, and so on) from the period of 1998 to 2003. Chapter Five examines the CISC discourse on organized crime. This analysis draws from seven *Annual Reports on Organized Crime* (from 1997 to 2003) published annually by CISC. With the exception of the Committee

Hearings, I attempt to analyze the same approximate time-period as a way to achieve relative consistency.

NOTES FOR CHAPTER TWO

[1] See the Introduction of Beare (2003: xi-xxix) for an interpretation of Canada's situation.
[2] See Sanchez-Jankowski (2003) for a discussion about the difference between gangs and other socially-connected entities. See also Decker, Bynum and Weisel (1998) to see their argument about the processes turning gangs into organized crime groups in an American context.
[3] See also Shelley (2003) for a discussion on 'four business models of human trafficking.' See also Lemieux (2003) for a Canadian perspective of the different organization structures of organized crime.
[4] Coles (2001) and McIllwain (1999), for example, argue that organized crime exists depends on social networking. In short, they argue that the social network approach transcends existing criminological paradigms (i.e. organizational, patron-client and enterprise theories) in that it emphasizes the common supposition of human relationships as essential to the success of organized crime. See also Albanese (2000) for a discussion of the role of opportunity as an organizing factor in criminal activity.
[5] See Cook and Baudin-O'Hayden (2001), Chu (2000), and Shover and Hochstetler (2002) for examples of this.
[6] Traditional thought contends that organized crime was imported to the United States in the late 1800's and early 1900's by Italian immigrants. Woodiwiss (2001) suggests that by the mid-1930s, the predominant conception of organized crime was as a sleek, modern, bureaucratized Italian crime corporation controlled by two or three predominant crime families across America. The idea of organized crime imports is also known as the alien conspiracy theory of organized crime. Ruggerio also contends that in contemporary times, the alien conspiracy theory has been re-invented in an alternative form. (2000: 186-88).
[7] See, for example, Aronowitz (2001) and Beare (1997) for explicit profiles of criminal activities such as smuggling, drugs and economic crime.
[8] For an elaboration on specific criminal organizations, see Thompson (1995) and Quinn (2001) for biker gangs such as the Hell's Angels and Bandidos; and, Lamothe and Nicaso (2001) and Tomass (1998) for the Mafia.
[9] For other government responses to organized crime, see Jamieson's (2000) analysis of Italian government responses; Gerber (2000) and Rush and Scarpitti's (2001) analyses of Russia; and Kelly's (1999) report on American responses.
[10] See also Andreas (2001), Osse (1997), King and Ray (2000), Leppa (1999) for arguments and analyses of shifting and adapting law enforcement practices to organized crime in an international context.
[11] See Robinson (2003), Block and Griffin (2000) and Rider (2002) for similar analyses of police responses to international money laundering practices.
[12] See Beare (2003) for a compilation of critical analyses into the question of the concept of organized crime. See also Farrell (2001) for a media perspective of what organized crime is in Edmonton, Alberta.
[13] See also Winterdyk (2001) who reviews the problems with defining organized crime and asks how legislation can exist in light of this uncertainty.
[14] See also Kelly (1992), Block and Chambliss (1981), Homer and Caputo (1973) and Pace (1991).
[15] By strict constructionism, I am referring to Best's notion that the research focus is on claimsmaking: they seek to understand, but do not presume to judge the member's claims and question the analyst's ability to make judgments about social conditions (1995: 341-42).
[16] Specifically, Lea (1997) looks at the transition of "Fordism" to "post-Fordism" as representative of the move from local/national to international/global effects of organized crime.
[17] See Lea (1999) for a more detailed analysis and a historical, critical re-evaluation of social crime.
[18] See also Mittelman and Johnston (1999) for a review of the linkages between globalization and organized crime.
[19] If conceptualizations of organized crime overlapping and learning from legitimate factions of social and economic life were taken seriously, this would change the nature and shape of dominant strategies and policies implemented to govern organized crime in all Western countries.
[20] See also Sheptycki, Grayson, and Ruggerio in Beare (2003) for a compilation of critical theoretical (Foucauldian) approaches and discursive analyses regarding organized crime.
[21] This argument is further echoed and elaborated in Ruggerio's latest article, *Global Markets and Crime* (in Beare, 2003a: 171-182).
[22] For Foucault, regime of practices means to analyze programmes of conduct which have both prescriptive effects regarding what is to be done (effects of 'jurisdiction), and codifying effects regarding what is to be known (effects of verediction) (in Burchell, Gordon & Miller, 1991c: 75).
[23] Throughout this thesis, I use the term "rationality" interchangeably with the term "mentality" to mean the same thing.

[24] This discussion is borrowed from Foucault's ideas about the relationship of discourse and politics (1991b: 59).
[25] This is Dean's interpretation of Foucault's notion of rationality (1999: 31).
[26] This is Gordon's interpretation of Foucault's notion of rationality (1991: 3).
[27] See also the introduction in Valverde (2003) for an overview and reconsideration of the role of law in terms of truth, power and knowledge relations.
[28] Foucault also discusses race as a critique of power of the Church, in and around the Middle Age use of religion (the Bible) as a political, moral, religious and economic articulation (2003a: 65-84).
[29] Whether there is a distinguishing difference between governmental and political rationality is contentious. For a more detailed examination of this debate see Hindess (1996) and O'Malley, Weir and Shearing (1997).
[30] For Rose, moral form refers to how they embody conceptions of the nature and scope of legitimate authority, the distribution of authority over different zones or spheres and the ideals or principles that should guide the exercise of authority: freedom, justice, equality, responsibility, citizenship and autonomy (1999: 26).
[31] He refers to rationalities being articulated in relation to some understanding of space, persons, problems and objects to be governed (Rose, 1999: 26-7).
[32] Foucault also argues that the relationship between rationalization and the excess of political power is evident (2003c: 128).
[33] For a similar interpretation of knowledge as dependent upon and relative to discourse (and the passage of time), see Lyotard (1984), whom argues that language games are the means by which the subject/object is produced and dissolved; and influence the creation of institutional languages and powers.
[34] However, the broader literature on governmentality seems to use the terms, strategy, programme, regime and assemblage interchangeably to mean the same thing: the compilation or connection of thought or action.
[35] I am using the notions power-knowledge in more general terms, as broad, ephemeral and neutral influences in the production of discourse. In contrast, although power-knowledge is indistinguishable from rationalities, technologies or strategies, in many respects, my use of the latter implies a direction, judgment, specification, decision or orientation that has been placed upon power-knowledge relations in order to transform it into a strategy or rationality. In this view, these are integral transformative processes which determines the limit of the discourse.
[36] This mode of analysis originates from Bruno Latours ideas about inscription devices, and reiterated in Rose (1999) as a practical means by which the analytic of government theoretical approach is possible.
[37] These guiding research questions were largely drawn from the principles of analytics of government outlined by Dean (1999) and his utilization of Deleuze's (1991) ideas.

CHAPTER THREE

THE COMMITTEE HEARING DISCOURSE FOR *BILL C-24*: *THE ORGANIZED CRIME AND LAW ENFORCEMENT BILL*

There are numerous assumptions involved in the creation and reproduction of knowledge about organized crime. In Committee Hearing discourses, what comes to be constituted as knowledge evolves from the content of the rationale and the underlying assumptions guiding this content. Since the biker wars in the 1990s, the increase of migrant and commodity smuggling through borders, airports and marine ports, and the terrorist attacks of September 11, 2001, organized crime has come to exist as a sustainable object of analysis in Canada due to increasing national and international pressures (Beare, 1996, 2003; Robinson, 1999). The combination of these factors has prompted law makers and police to intensively isolate organized crime as a threat to personal, social, political and economic safety and security in Canada.[1] In part reacting to international pressures, Canadian authorities have put forward their own depictions of organized crime.[2] These depictions are designed to encourage participation and acceptance from other institutions, agencies and citizens, both nationally and internationally. Moreover, such depictions have the effect of alleviating fear through promoting improved legal responses to organized crime, and easing criticisms directed at law makers and enforcers for previous failures and inefficiencies of government.[3]

To illustrate Committee Hearing discourses about organized crime calls for an examination of how knowledge is produced. To begin, it is necessary to outline the committee hearing structure and process from which this theoretical analysis may proceed. Because the analytic of government framework emphasizes the conditional dimensions of discourses, I avoid formal definitions which impose detailed descriptions

of each agency's roles and responsibilities. On the other hand, an informed impression of what each agency represents, consists of and is responsible for helps as a way into the discussion.

THE STRUCTURE AND SET-UP OF THE COMMITTEE HEARINGS

In this chapter, I will analyze Committee Hearings as an agency of government. Specifically, I have focused on the Committee Hearings for Canada's second piece of organized crime legislation, *Bill C-24: An Act to amend the Criminal Code* (*The Organized Crime and Law Enforcement Bill*). To tap into Committee Hearing discourses, I begin with a content analysis to examine transcripts of eight Committee Hearings and extract dominant themes as identified by statements and declarations made in the Hearings. A draft of Bill C-24 is already constructed at this point, and the Committee is now analyzing and debating the requirements (Dyck, 2004: 587-90). The core Committee was comprised of 15 Members of Parliament (lawmakers or politicians) and headed by a Chairperson.[4] These Committee Hearings took place between May to June 2001.[5] The themes presented and debated are significant in shaping particular depictions and definitions of organized crime used to inform and support the draft of Bill C-24 which received Royal Assent in December 2001 and formally implemented on February 1, 2002.

The ability to shape formal definitions of organized crime is concentrated within the Committee Hearings specifically and the legislative process generally. The definitions produced in these hearings have the potential to influence the *Criminal Code* definition and, as a result, become the definitions from which all law enforcement and other criminal justice organizations use when interpreting organized crime. As such, Geary

argues that law-making is a knowledge-diffusion process, where knowledge is first developed through the communication of ideas in an isolated setting, followed by a diffusion of ideas through, 'communicating through certain channels over time and members of a social system' (2000: 5; see also Geary, 2002). If the Committee Hearings are an indicator of the initial concentration and isolation of knowledge produced about organized crime, diffusion occurs by awareness and adherence to this knowledge from other legal systems of government.

Dynamics between Committee Hearing Members and 'Witnesses' Called into Testify about Organized Crime

The Committee Hearings are characterized by complex forms of negotiations brought on by the many alternating and diverse definitions of organized crime coexisting in the discourse. The most frequent negotiations occur between lawmakers and the witnesses brought into testify about their knowledge of organized crime. The collection of witnesses called before these hearings included police representatives,[6] lawyers associations,[7] government departments invested in some aspect of crime control,[8] the Canadian Civil Liberties Association, and the Federation of Canadian Municipalities.[9] In this particular Committee, a large majority of witnesses are law enforcement experts, such as Chiefs of municipal police agencies, the Commissioner of the RCMP (who spoke in two of the eight hearings), and a representative from the Canadian Police Association. Police witnesses also recommend particular paths of action to adopt and are highly influential in shaping Committee Hearing discourses on organized crime.

Since witnesses are already responding to a draft Bill, information flows from witness to lawmaker creating a series of specific depictions which lawmakers consider and negotiate with. This knowledge is discriminate and is directed by selectively chosen

persons to relay their experiences and opinions at diverse points in this process. In all of the meetings, persuasion to accept certain truths operates through rhetorical strategies which eventually provide a reality from which lawmakers and other criminal justice representatives can view organized crime. Therefore, the Committee Hearings permits witnesses and lawmakers to convene in order to produce rationales from a field of information about organized crime.

The influence of police reveals the important role law enforcement plays in the Committee Hearing discourse. Lawmakers consider police witnesses the most informed and significant contributors of experienced information,[10] and thus the police witness is a local center of the discourse from which lawmakers select and interpret relevant information and depictions about organized crime. Although the lawmakers are in charge of making final decisions, the witness presents educated and experienced accounts of organized crime, steers and solidifies dominant mentalities of how to approach and govern organized crime. At the same time, it is difficult to group police witnesses into one general category. The police representatives in the Committee Hearings came from different regions of Canada are at different levels and positions in their careers, come from different police agencies, and have different experiences or perceptions of organized crime because of these factors.[11]

Content analyses points to police and legislators as the primary contributors to the most prominent and recurrent assumptions about organized crime. Collectively then, these two groups comprise the foundation of the *diagram* from which the majority of my Committee Hearing analyses proceeds. However, this foundation is not absolute due to the ongoing complex and dynamic interactions between these groups and other

representatives from other agencies and institutions called on to present information and opinions. Taken together, the wide range of opinions and representations creates blurred distinctions about the nature and extent of organized crime governance.[12] Although lawmakers and police witnesses are the most verbal, it is not truly representative of the other agencies involved in the government of organized crime, such as correctional agencies or the judiciary. It does however reveal the high priority and value placed on the police as experts about organized crime.

The production of discourse is controlled, selected, organized and redistributed according to a certain number of procedures,[13] and contains a variety of assumptions, preconceived notions and meanings. The Committee Hearings discourse is *influenced by* numerous intentions, calculations and manipulations by individuals attempting to regulate organized crime. This same knowledge also *influences* regulatory thought (rationalities) about organized crime through the integration of a wide range of knowledges in a localized context (the Hearings). This has the effect of producing reformed and altered depictions of organized crime through the, at times, rigorous analyses and evaluations placed on the concept of organized crime. Because of this, the discourse itself gives rise to a complexity and inconsistency evoked by the continual integration, reevaluation, acceptance or dismissal by lawmakers, of the multiple knowledges put forth by witnesses. The next section contemplates the various rationalities operating in discourse through these numerous negotiations of information, at the various stages of introducing, interpreting and formulating ideas.

THE COMMITTEE HEARING DISCOURSE ON ORGANIZED CRIME

With its role of participating in the creation of organized crime law, this Committee is concerned with broad objectives relating to organized crime, and assists in developing the rules, methods and procedures for all legal institutions to follow. This Committee Hearing privilege dictates the formal definition of organized crime, and outlines the methods and procedures by which this entity can be legally regulated. In turn, this process facilitates the creation of formal boundaries from which organized crime can be conceptualized, and which later transform into the strategies developed by police agencies, corrections agencies and other participants in the criminal justice realm.

The Committee Hearings reveal that persuasion through speech and rhetoric encourages the production of a particularly political and emotional discourse. By political/emotional, I refer to the discursive contingency upon rhetorical mechanisms constituted through 'powers of horror.'[14] They operate,

> In much more than what is seen, known and displayed, whether panoptical, governmental or spectacular practices. The power involves the invocation of horrors and imaginative engagement. It makes fear palpable, so that one not only imagines it, but can seem to touch it, to feel it. (Valier, 2002: 320)

The rhetorical mechanism finds its most influential expression in the Committee Hearings through reference to the 1990s biker wars in Quebec. As noted in the introduction, these wars[15] throughout the 1990s were a primary discursive event from which significant transformations in the ways organized crime came to be regulated in Canada. Although there are innumerable references to the biker wars throughout the Hearings, an example of the general perceptions surrounding this issue is as follows:

> When we think about what happened in Quebec, the criminalization of bikers, the state of siege to which they have subjected the population, the bar owners

> who are killed with clubs in the middle of the night, I think we can all agree that in Quebec there is currently a crisis that must be abated. (Committee Hearing No. 19, 2001: 37)[16]

In the Committee Hearings, the biker wars refer to four primary events in an approximate ten year war, primarily between the Hell's Angels and the Rock Machine over the control of the illicit drug trade in Quebec.[17] These include four primary events: the approximate 150 to 160 deaths of gang members; the accidental death of 11-year-old Daniel Desroches from a bomb planted outside a biker hangout; the premeditated killing of two prison guards by Hell's Angels members;[18] and, the shooting (but not killing) of Michel Auger, an organized crime reporter for *Le Journal de Montreal* (RCMP, 1999b: 1-64; CBC, 2004). This war is perhaps the singular most significant premise justifying many of the examples used in the committee hearings to demonstrate organized crime's threat and danger, it reflects in the provisions making up the final draft of Bill C-24,[19] as well as justifying innumerable responses from municipal, provincial and federal police forces.[20]

Although the rhetorical strategies most often point to the biker wars to exemplify moral views of organized crime, the assumption of its danger also emerges in lower-profile discursive contexts such as diverse agendas, arguments, reactions, and hostilities between committee members (lawmakers) and witnesses over the concept of organized crime. This rhetoric leads to diverse, unpredictable and transformative knowledge formations in the Hearing's discourse. The result is often dispersed knowledge, which makes linear interpretations of organized crime impossible. Regardless, there are certain fundamental rationalities that appear to shape and reinforce predominant assumptions about organized crime. The following will examine how these rationalities instigate the

most frequent depictions of organized crime. These include: how organized crime poses a threat and danger to society, the types and levels of harm caused, difficulties and deficiencies in law enforcement regulation, and, the impact of extra-legal and extra-national influences on law-making. Following the analysis of rhetorical mechanisms leading to specific rationalities, I review how these rationales link and justify the clauses and provisions (technologies of government) set out in the final draft of Bill C-24 to indicate the process of limiting thought through the transition into practice.

The Rationality of Organized Crime as a 'Threat to Society'

The most commonly utilized assumption of organized crime is that it is/poses a threat or danger to society. In the final deliberations of the last Committee Hearing, one Committee Member acknowledges the contingency of the notion of threat as it applies to organized crime:

> I start, in my troubling review of this bill, with the nature of organized crime itself. I do appreciate that it isn't exclusively targeted for organized crime, but it's the *type of threat* put forward by organized crime to our society that it is obviously aimed at, and for the most part it will be applied for that. (Meeting No. 19, 2001: 18)[21]

In this case, there is recognition of the conceptual disjunction between discerning threat as an entity versus threat as point of view. This distinction is rarely acknowledged, though, and the predominant conception of organized crime as threat depends upon viewing organized crime in terms of causing violent, physical or personal harm.[22] Framing threat through danger and violence is a strategic manipulation to produce and isolate organized crime as an enemy to society, the economy, and to minimize dissenting opinions and arguments. At the same time, the notion of threat takes many additional forms provoked from this initial veneer of violence. It leads to numerous isolated and

individualized conceptions co-existing to produce multiple, contradictory and divergent representations of organized crime.

Since most of the Committee Hearing articulations directly concerning organized crime are made by members of the police, it is not really surprising that the discourse should evaluate and depict the legal response relative to the challenges of enforcement felt by police members.[23] In consequence, the Committee Hearing's discourse seems to hold one particular narrow view of threat, which largely begins and is maintained through police interpretations and declarations. Probably the most widely agreed upon conception is that organized crime is economic in nature. This particular rationale derives from the assumption that organized crime is, 'a greed driven activity,' operating only for financial gain. This necessitates a response informed by such reasoning as: 'taking the profit out of organized crime certainly is a very significant tool that needs to be put into the program for maintaining some semblance of safety, security and quality of life' (Meeting No. 13, 2001: 2).[24] In this interpretation, the notion of organized crime has created a legal environment centering law enforcement and legislation efforts to fields of business, commerce, and the economy through emphasizing the profit-seeking goals of organized crime.[25] In this limited view, all of organized crime's criminal activities are executed only for profit and other political and social influences are disregarded. Depictions of organized crime in this context emphasize presumed involvement in multi-commodity criminality for profit, operate in a fashion parallel to legitimate business practices, and are by nature an entrepreneurial and opportunistic phenomenon.

This widespread emphasis on financial gain is a core assumption in the Committee Hearing discourse. The power of economic perceptions of organized crime

operates in the malleable way this assumption links to other associated features and characteristics of organized crime. For example, seeking profit is believed to be the reason organized crime has moved into international markets. Police in particular feel that, 'when organized crime looks at a map, they see no borders, no jurisdictional boundaries, just a seamless capability for criminal activity.'[26] In this discursive context, profit links to notions of territory through the assumption that organized crime is no longer restricted to one geographical location. Organized crime is presumed to seek out at the international level the, 'many new profit centers that are emerging for organized crime' (Meeting No. 11, 2001: 2).[27]

The concepts of national and international are important distinctions throughout the Committee Hearing's discourse about organized crime and are linked not only to matters of profit, but to other features of organized crime as well. The presumption that organized crime operates internationally accounts for the changing style of organized crime's structure. Chief Jack Ewatski of the Winnipeg Police Service describes this mutating structure as starting from the 'old traditional Mafia, monolithic style, hierarchical organizations,' to 'highly secretive, competitive, networks across criminal organizations, across the world, and share a certain network for a particular crime' (Meeting No. 15, 2001: 24). Linking presumptions of organized crime's internationalism and profit-orientation produces another depiction or organized crime relating to its organizational structure. For instance, the idea that organized crime is becoming a fusion of criminal groups' predicates from the assumption that:

> ...organized crime groups are now run like corporations, because they see the benefits of corporations. They've developed non-traditional alliances, and the turf wars of the past are gone. They're now pooling their resources for a common criminal purpose. (Meeting No. 13, 2001: 3)[28]

Consequently, corresponding to the adaptable image of organized crime is a need for the 'changing nature of law enforcement activities' (Meeting No. 12, 2001).[29] Through the referent of structure, the assumption of organized crimes changing and adaptable features becomes evident in the Hearings. The view of adaptable and change links to notions of international and profit to produce an ever-increasing series of complex and overlapping assumptive frames of references for the rationality of threat.

At the center of these complex assumptions is the notion of technology. Technology is presumed to be the practical means by which organized crime is able to successfully operate. The Chief Officer of the Organized Crime Agency of British Columbia (OCABC) claims that police are, 'faced with the challenges of the new technological age.' Technology is presumed to enhance and foster not only police practices, but to 'fuel criminal enterprise' through the 'heavy involvement' of transnational organized crime groups in cyber-crime, which is enabled through 'advances in communications technology' (Meeting No. 13, 2001: 3). In such presentations to the Committee Hearings, organized crime is placed at an advantage over police due to an ease of access to new technologies, more money to spend on expensive technologies and the specialization and expertise required for successful operations. Thus, although many versions of threat exist to separate organized crime from the police, technology is the rationale actively separating the two entities in the Committee Hearing discourse. For example, technology is the reason why organized crime can change and excel in their criminal activities, while the police are constantly playing catch up due to limited resources. For police, this implies:

> You not only have to have and effective domestic strategy, but you have to be working with you international partners, since organized crime, because of

> technology primarily, knows no borders, especially if you're looking at crimes like money laundering and technology, you can move money around from country to country quickly and fairly secretly. (Meeting No.11, 2001: 4)

Although the notion of technology is diminished compared to other more sensational depictions such as violence, it is also the integral link binding together the other assumptions composing the rationality of threat. The knowledge producing organized crime as a threat, which appears to originally stem from a central belief that, if properly understood, all organized criminal activity and behavior is violent and dangerous, extends in many directions from this original assumption. The combination of violent and profit assumptions associated to threat provides a politically useful and malleable foundation for the notion of threat to attach to other notions such as internationalism, the environment (i.e. territory), change and adaptation and technology. Despite diverse connotations, there is consensus from both witnesses and lawmakers that organized crime poses a threat to society. This consensus appears to originate from the multiple discursive contexts the notion of threat is able to cover. The broad range of knowledge encompassed under this rationality provides sufficient discursive conditions to address almost any member or witness concerns about organized crime or responses designed for organized crime.

Another assumption drawing undisputed consensus from lawmakers and witnesses regarding the definition of organized crime is its elusive and secretive nature. Such designations promote notions of organized crime as a concealed, unknown and pervasive. This line of reasoning depends upon notions of diversity to illustrate how organized crime can evade law enforcement detection and adapt to new criminal opportunities. Emphasizing features and characteristics of organized crime that are not

yet understood or visible to regulators implies organized crime's ability to operate outside of legal restraints. In turn, this broadens the vision of organized crime to include almost any feature or criminal activity, and enables a wide range of multi-disciplinary[30] and specifically tailored responses. Winnipeg's Police Chief, for example, suggests that the complexity and adaptability of organized crime is responsible for the ineffectiveness of police investigations. He argues that, 'the issues surrounding organized crime have become so complex and the investigations have become so complex that business cases have to be put together relative to investigations' (Meeting No. 15, 2001: 11). This statement also links two unrelated notions, adaptability and profit-motivation, to reveal how an adaptable image of organized crime provides the discursive flexibility for diverse strands of knowledge to intersect (and separate) or simply bypass each other depending on the context and content of the debate. In this case, complex and multi-faceted representations of organized crime disclose processes by which previously isolated assumptions coalesce to produce a more totalizing image of organized crime. While the use of many different strands of knowledge implies the complexity of organized crime, it also secures the boundaries of thought by linking supposedly isolated conceptions to a larger rationality of threat.

Given the dominance of representations of law enforcement agents in the Committee Hearing discourse on organized crime, this discursive domination is the first step in producing knowledge about organized crime from which lawmakers' are able to grapple and negotiate. The previous analysis has noted reliance upon police witnesses and their multiple referents to denote the threat of organized crime. In a slightly altered line of thought, the next section reflects a concern regarding how organized crime causes harm

to social, political and economic spheres. In this discursive framework, the targeted audience shifts solely from law enforcement to a wider socio-political audience through emphasis on the vulnerabilities organized crime causes to society. In order to understand this issue, it is best to examine Committee Hearing's perceptions about harm.

Organized Crime and the Assumption of 'Harm'

The Chief of the Toronto Police Service reports that,

> The social, financial and public safety impacts of organized crime are real. The cost in human suffering as a result of activities such as prostitution and drug abuse cannot be measured by dollars alone. The negative impact to our social fabric can be seen by those who have been caught up in the web of deviant lifestyles and dependence resulting from criminal activities and by whose actions promote a feeling of hopelessness and fear. (Meeting No. 15, 2001: 5)

This message is intended to provide the negative perceptions of organized crime felt by the persons constituting Canadian society through the proxy of law enforcement. These negative perceptions formulate and appear legitimate through an emphasis on the, real victims and real citizens who are constantly being victimized because of all of these issues (Meeting No. 15, 2001: 2).[31] Through statements and claims alleging the vulnerability of victims and citizens in Canada, law enforcement agents separate themselves and everyone else in Canadian society from organized crime.[32] In addition to law enforcement, framing the notion of society in terms of harm further expands the background from which organized crime is separated and isolated. While there is widespread agreement in the discourse that organized crime causes harm to society, to a lesser extent, it is also differentiated by its perceived harm to legal, economic and political realms.

For most lawmakers and witnesses in the Committee Hearings, harm to the justice system is framed in terms of costly investigations and intimidation of justice system participants,[33] because organized crime impedes the administration of justice. Although the majority of harm to the justice system amounts to harm to law enforcement, there is some reinforcement from correctional representatives,[34] the National Parole Board and the Criminal Intelligence Service of Canada.[35] On the contrary, harm to the economy is generally conceived of in terms of a crisis, due to the illegal use of e-commerce, Internet gambling, money laundering and the manufacture of counterfeit credit cards (Meeting No. 13, 2001: 14-16).[36] Dave Douglas, Chief Officer of the Organized Crime Agency of British Columbia, provides the 'concrete evidence' to prove the magnitude of money lost though complex money laundering schemes:

> Asian organized crime is laundering in excess of $1 million a day in British Columbia. The moneys are being sent offshore to be reinvested in real estate and businesses in China and Vietnam. These businesses are sold off, and the money is reinvested into illegitimate and legitimate businesses here in Canada. (Meeting No. 13, 2001: 3)[37]

In this case, 'harm' to the economy operates through the invisible realm of banking transactions and computer systems.

There is general agreement amongst politicians and police witnesses that harm in a political context is typically marked out by organized crime's presumed ability to outwit politico-legal efforts to regulate them. Peter McKay, Member of the Committee comments that, 'I guess this leads to a question I'd like to pose with respect to the knowledge organized crime will have of this legislation, before it even passes. I suspect they have their lawyers studying it now' (Meeting No. 16, 2001: 25).

After describing the many ways organized crime causes harm (i.e. to society, the economy and the political), the discussion shifts to address how to regulate such harm in the form of political and legal efforts and responses. The rhetoric surrounding the issue of addressing harm is strategic in that it emphasizes the important role of Bill C-24 as a necessary technique to combat organized crime. By participating in the Committee Hearing debates, both lawmakers and witnesses appear to be instigators to the improved modes of regulation Bill C-24 is perceived to facilitate. Using harm as rationale reformulates and legitimates political and legal roles to represent protection to the persons and institutions made vulnerable by organized crime. Placing emphasis on the political value of protecting the safety and security of citizens, and the integrity of Canada's political and economic institutions, is an extra discursive mechanism ensuring the separation of organized crime from society through moral (good/evil) pretenses. Using the concept of organized crime to identify and signify the concept of harm in a political/moral context has the powerful effect of redefining organized crime into enemy. Since a large portion of the Committee Hearing discourse involves legal and political claims to better govern organized crime, it is quite reasonable to expect specifications on the exact areas where current regulation is most problematic.

Difficulties and Deficiencies in Law Enforcement Efforts as Perceived by the Police

The Committee Hearing discourse deems it necessary to change the existing patterns of regulation. Law enforcement representatives specify that to reduce law enforcement frustration and alleviate public fears, requires more effective sanctions and authoritative systems of government. This request for greater powers invokes a paradox in the discourse. Current law enforcement problems are divided into police needing more

efficient tools, but also recognizing that they have to respect privacy, rights and freedoms guaranteed under the charter (Meeting No. 11, 2001: 7).[38] Although a number of diverse opinions make-up each category, these two broad rationales coalesce opposing opinions and contradictory information in the context of regulating organized crime.

To acquire more tools, law enforcement personnel argue that they lack finances, resources and greater powers and freedoms to properly and efficiently investigate organized crime. Federal police (i.e. RCMP representatives) argue that the greatest limitation harboring police abilities is the 1999 Supreme Court Decision of *Shirose and Campbell.* This particular case revoked police privileges to avoid prosecution while committing certain crimes in undercover operations. Without the ability to commit certain illegal actions, police are unable to infiltrate organized crime operations and groups. Access to organized crime is considered an impossible task unless criminal activities are performed to prove legitimacy and gain trust (Meeting No.15, 2001: 15). The police desire to regain this privilege is central to the Committee Hearing discourse, and becomes one of the most dominant reasons (and source of conflict) for amending organized crime legislation. Anne McLellan, former Minister of Justice, contends that,

> Bill C-24 responds to the recent Supreme Court of Canada ruling in Campbell and Shirose. The impact of this decision on federal and provincial investigations has been significant, and you will hear from the policing community in regards to their very serious concerns about the effects of the Supreme Court of Canada decision. (Meeting No. 11, 2001: 3)

In this fashion, the discourse shifts attention away from defining organized crime and onto federal police as the basis for Bill C-24. One lawmaker argues that Bill C-24 is really about 'two different projects,' and that the purpose is to, 'kill two birds with one stone, because it is marketed as the government's response to organized crime, but what

we've got here is the government trying to do two different things, but it's being sold as one' (Meeting No. 19, 2001: 13).[39] Further ambiguity about the purpose and benefit of this legislation arises from witnesses representing human rights and civil rights agencies and associations. For example, Alan Borovoy, General Counsel for the Canadian Civil Liberties Association, argues that creating legal conditions for police to legally commit actions that are otherwise illegal, 'deals with a situation of overkill', and that this legislation, 'creates some risk of charter challenge and real threats to basic liberties' (Meeting No. 12, 2001: 2-14). When greater powers for police becomes the central justification for Bill C-24, this issue divides the previously achieved consensus around organized crime as threat and harm to socio-legal and political realms. Instead, placing the police at the center of the discourse divides the debate into two central issues of rights: civil/human rights against greater police rights to govern more effectively. As a result, the process of negotiation revolves around working out a balanced and regulated solution for law enforcement's response to organized crime.

The issue of police immunity acknowledges many conflicts of interest between numerous players to reflect a deep-rooted tension in the discourse. To counter the many differences of opinion, police and lawmakers employ 'soothing' rhetorical mechanisms which divert attention from police abuse issues to notions of balance, reasonability and proportionality. Most often, this harmonious rhetoric materializes as a response to accusations that police immunity will cause human rights violations. For example, one lawmaker argues that,

> A police officer would be justified in doing an act or omitting to do an act that would otherwise constitute an offence only if he or she is designated by a competent authority and if that act satisfies a reasonability and proportionality standard. (Meeting No. 11, 2001: 4)[40]

Bringing forth the issue of regulating police through standards of reason and proportionality becomes a point of union to dissolve tensions and anxieties. To provide evidence of this, RCMP Commissioner Zaccardelli tries to negotiate this contentious topic by testifying that, 'we hold our people accountable to the highest standards in respecting every individual's rights in this country' (Meeting No.14, 2001: 25).

Lawmakers also mediate conflicting forces by inducing fear. For instance, placing the organized crime situation in the context of life-and-death alleviates claims to abuse of power, through statements such as, 'giving that power to police scares the hell out of me, but if we don't do something about organized crime, I don't really care, we're going to have a terrible situation in this country' (Meeting No.19, 2001: 34). When depicting organized crime this way, the issue of police immunity is seen as the better of two evils, and promotes the idea that without extreme measures organized crime will continue to prosper unhindered. At its most extreme, the assumption that organized crime is a volatile and unpredictable phenomenon encourages rationalities of outright war. For instance, Kevin Sorenson, Member of the Committee, suggests that, 'there's a war with organized crime, and I would suggest we're losing it' (Meeting No. 15, 2001: 11). The dual assumption that organized crime is a threat to safety and security and challenge to law enforcement, usefully draws undisputed consensus even from adversaries most opposed to Bill C-24. For instance, Anne Marie Boisvert, a lawyer from the Barreau du Quebec and advocate for civil rights, contends that, 'I understand that we are in a war against organized crime, but when the police are fighting a war, there are rights that are going to be hindered or hurt' (Meeting No. 12, 2001: 7). Although this claim confirms her adversarial opinion towards the issue of police immunity, it simultaneously reaffirms her

compliance to the predominant legal and political view of organized crime as an enemy that must be fought.

Despite radical differences in opinion between witnesses and Members of the Committee that the police immunity issue makes evident in the hearings, the greater majority take the 'optimistic' stance that implementing Bill C-24 will facilitate improved measures for law enforcement in order to conduct more efficient investigations. At the same time, this police immunity issue reveals the many agendas operating through the pretense of legislation designed for better regulation of organized crime.

The Impact of Extra-Legal and Extra-National Influences on Law-Making

So far, we have seen that Committee Hearing discourse has depended largely upon evidence from law enforcement witnesses to relay dominant assumptions of organized crime. They have identified the problems with organized crime, suggested ways in which regulation should change and even provide significant input of the form change should take. Thus, police input attempts to ensure that lawmakers view organized crime as a serious problem to all forms of social, political and economic life. Although law enforcement witnesses have the greatest influence in depicting organized crime, other forms of testimony are drawn upon to support this dominant law enforcement depiction and provide greater support for dominant perceptions of organized crime.

Legitimating law enforcement perspectives generally occurs by introducing 'external' evidence into the Committee Hearing debates. This evidence generally supports a number of law enforcement claims about organized crime. For instance, author's accounts validate police arguments about limited resources. Chief Fantino of the Toronto Police Service references author Jeffrey Robinson to exemplify and validate the

claim that police are in a disadvantaged position compared to organized crime (Meeting No. 15, 2001: 14).[41] To reinforce the usefulness and legitimacy of legislation as a necessary technology of government, lawmakers remind of similarities between Bill C-24 and American and United Nation legislation (and definitions) directed at organized crime (Meeting No. 11, 2001: 24; Meeting No. 15: 11; Meeting No.17, 2001: 6-7). Other lawmakers legitimize ministerial accountability (instead of previously used judicial accountability) to regulate police immunity since it is being used in other Western nations such as England, the United States, Australia and New Zealand, and feel that it is Canada's obligation to fall in line with these political approaches (Meeting No. 17, 2001: 4-5).[42] Finally, recalling historical court decisions and government commissions that have hindered organized crime regulation in Canada demonstrate how such decisions have had a cumulative effect on limiting police powers in the last twenty years. Although the most reiterated (and recent) of these examples is the Campbell and Shirose case, references to the Stinchombe case (1991) and the McDonald Commission (1960s) are also invoked to illustrate a pattern of difficulties faced by police (Meeting No. 12, 2001: 10-11; Meeting No.13, 2001: 16; Meeting No. 15, 2001: 39).[43]

The last point in particular intends to remind Members and witnesses about Canada's legal history with organized crime generally and how these court decisions and commissions have caused difficulty for police specifically. This has the effect of shifting the tone of the discourse from issues of the present concerns to past concerns relating police regulation against organized crime. The division of time has an interesting impact on the Committee Hearings. Police tend to use the present situation to justify increased

power and immunity, while opponents use the past or tradition as grounds to argue against increased powers for police. For example, a civil rights proponent maintains,

> Frustration with the current ability to enforce the law in an effective way must not give way to responses that are not measured and not necessary. If there is treachery in the criminal element, it does not follow that the police must be allowed to be equally treacherous. Such reasoning tears at the fabric of our democracy and undermines our rule of law. (Meeting No.13, 2001: 11)[44]

While this position rejects the more dominant campaign to sponsor greater police powers, it paradoxically endorses mainstream, police-style depictions of organized crime as a threat and enemy. Instead, the point of contention shifts to disagreements about the type of Committee Hearing (political) response that should exist for organized crime. Non-police arguments typically ask less pragmatic questions such as, 'what the need is and what particular power is needed to address that particular need' (Meeting No.12, 2001: 11).[45]

Reasoning based upon tradition points to a divide between law enforcement and lawmakers on the one hand, and advocates and representatives from lawyer and civil rights associations on the other. As noted, however, this disjunction is not so great as to preclude agreed-upon definitions of organized crime. Pinpointing the exact disagreement at hand seems to fall between deciding what type of political response is best suited for both police interventions and the protection of human and civil rights.[46] Although this contradiction remains unresolved throughout the Committee Hearings, it constitutes a perceptive rhetorical tactic, which allows the Committee to speak to multiple audiences from one discourse. For instance, it addresses a concerned public and law enforcement audience by emphasizing the measures proposed (and later implemented) to create

conditions of greater police effectiveness, while concurrently a liberal/socialist audience concerned with human rights.

Despite variable, conflicting and unresolved positions within the Committee Hearing discourse, Canada's Parliament implements Bill C-24 primarily based on police assumptions. This reveals the privilege placed on police knowledge in a political context. It also points to an unmistakable inseparability and interrelationship between law enforcement and political knowledge and assumptions of organized crime. The high level of consensus and shared viewpoints between political and legal agents and agencies reveals how the transference of knowledge between institutions is an integral process in the development and manufacture of limiting thought and action about organized crime. The next section examines in greater detail, how some of the more predominant assumptions and rationalities about organized crime manifest into technologies of government (clauses or provisions) in Bill C-24.

REIFYING DISCURSIVE LIMITS: POLITICAL TECHNOLOGIES OF BILL C-24

This analysis has profiled some of the governmentalities apparent in the Committee Hearing discourse on organized crime. This section considers how governmental rationalities developed in the hearings produce four primary techniques of government: changing the legal definition of organized crime; amending the proceeds of crime law to include both finances and other material goods; creating intimidation as a new offence; and, broadening the powers of immunity for police to commit criminal activity. Bill C-24 codifies the rationalities about organized crime produced in the Committee Hearings. While some clauses reflect depictions of organized crime as a danger to society, others depend on notions deriving from economic and international

assumptions and influences. In turn, these different assumptions evoke and justify a collage of governmental techniques (see Dyck, 2004: 475-611).[47] Although I focus on the four high-profile clauses, one could refer to many other sub-sections in the legislation to indicate how Committee Hearing rationales translate into action.

The Governmental Technique of Defining 'Organized Crime'

In contrast to the detailed selection, negotiation and formulation of specific information about organized crime in the committee hearings, the formal definition of criminal organization settled upon is simplistic and narrow. In its entirety, this clause reduces the number of people required to constitute a criminal organization from five to three; no longer requires prosecutors to demonstrate that members of the criminal organization were involved in committing crimes for the criminal organization in the last five years; and broadens the scope of offences which define a criminal organization (Department of Justice Canada [DJC], 2001b: 2). The formal definition as it currently exists in the *Criminal Code,* Subsection 467.1(1) specifies organized crime to mean:

> 'Criminal organization' means a group, however organized, that (a) is composed of three or more persons in or outside Canada; and (b) has as one of its main purposes or main activities the facilitation or commission of one or more serious offences that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any of the persons who constitute the group.

This formal definition incorporates two primary assumptions about organized crime: that it is a profit-motivated entity and that it may operate outside of national borders. It condones politico-legal techniques directed at monitoring and confiscating financial aspects of organized crime and any criminal activity outside of Canada believed to be associated to organized crime. The definition also reconfigures the notion of

organized crime by condensing specific criminal organizations referred to in the Committee Hearings (i.e. Bike gangs/Hell's Angels or Asian organized crime) into 'three or more persons.' The sophistication of this political technology resides in the lack of restrictions for law enforcement to interpret what organized crime is and encourages the use of discretion as a means to discriminate and identify organized crime.

The formal definition of organized crime also reflects rationales in the Committee Hearings, which assumed greater legitimacy and acceptance of Bill C-24 if it emulates already existing legislation in other Western nations and International Agencies such as the United Nations. One DJC document justifies the reformation of this definition for exactly this reason: 'it brings Canadian legislation into line with legislation used in other countries' (2002: 2). The political technique of redefining organized crime is perhaps revealing with respect to the way knowledge is privileged. Although police knowledge plays a significant role in dictating the techniques of Bill C-24, already established legislation has an even greater influence. This influence suggests that Canadian political ideas about how best to respond to organized crime depends on perceptions of what agencies have the most authority, accurate information or experience dealing with organized crime. On the other hand, it signals an unquestioned compliance to a system of control, which derives power from its disregard for less dominant or authoritative perspectives. This conformity is indicated by the absence of dissenting and conflicting opinions in Bill C-24's main clauses, which were put forth in the Committee Hearings from lawyers associations and civil and human rights groups.

While the amended formal definition supposedly applies to members of criminal organizations, a new clause authorizes the criminalization of participants to organized

crime. The 'making participation a criminal offence' provision can target anyone (not just members) who knowingly becomes involved in activities that further a criminal organization's criminal objectives (DJC, 2001b: 2). Helping achieve objectives refers to an individual (participant) recruiting others to join a group or facilitate a transaction (whether personal or monetary). It also includes persons involved in committing indictable offences for the benefit of a criminal organization and persons instructing another person to become involved in a criminal offence (DJC, 2001b: 2). In contrast to the formal definition, which broadens the concept of organized crime, the participation clause narrows the definition of organized crime by explicitly referring to certain persons, situations and criminal activities. The emphasis on *knowingly* participates with a criminal organization, also reactivates a rational and calculated view of organized crime.

Producing separate techniques for members and participants of organized crime licences the regulation of both uncertain and certain politico-legal perceptions of organized crime. The formal definition is broad enough to capture the perceived adaptable and evolutionary qualities of organized crime. The ambiguity of this definition creates a broad enough image of organized crime to sanction many variations of legal techniques designed under this particular identification.[48] On the other hand, the provision dealing with participants permits specific legal penalties directed at the most serious crimes. In total, the combination of political technologies responding to the definition of organized crime provides a comprehensive conceptual foundation to provide legal agencies with enough interpretive capacity to identify and enforce organized crime from a number of angles.

Eliminating the Profit from Organized Crime

Perhaps the narrowest scope of government in Bill C-24 is the clause dealing with seizure, freezing and confiscation of the proceeds of crime. Deriving from an economic understanding of organized crime, this technique regulates organized crime by broadening penalties dealing with proceeds of crime, including the seizure, freezing and confiscation of proceeds of crimes from those previously defined as enterprise crimes,[49] to now including 'most indictable offences.' At the center of this clause is the multiple entwined depiction of organized crime as economic/international. It justifies police power into legally expansive investigative jurisdictions[50] by reinforcing Canadian adherence to pre-existing extra-national political technologies such as the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* and the Council of Europe's *Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime* (DJC, 2001b: 1; see also DJC, 2001a). Again, Canadian political attention assimilates patterns of preconceived thought and signals a growing regime of government, which widens the number of regulators whom view the problem and solution in the same way.

Regulating Intimidation through the 'Justice System Participant'

While the clause seeking to govern profit is overt in determining the target of government, the technology of intimidation is more ambiguous and less clearly framed. A new offence, this clause makes it criminal to, 'use violence to intimidate people involved in the justice system or a member of their family with the intention of impeding the administration of justice' (DJC, 2001b: 2). This technique reflects a moral image of organized crime constituting a threat by implying the specific type of harm and danger

supposedly constituting intimidation. The view of organized crime as a physically dangerous entity emerges by naming and codifying the victim of this form of threatening behavior: the Justice System Participant (JSP). The JSP includes any employee in Canada's criminal justice system and witnesses, jurors, Members of Parliament and members of the media.[51]

Although a new offence in the *Criminal Code*, this political technique does not necessarily depend on law enforcement to initiate or activate forms of government. The goal to target intimidation shifts authority from agents responsible for direct enforcement, such as police and prosecutors, to any individual designated under the JSP label. This invokes a governing system based on responsibilization of the JSP to protect him or herself against crime. It also produces the JSP as a technology of government responsible for identifying and reporting organized crime's intimidation. To all intents and purposes, this law constructs an entirely new range of potential organized crime enforcers through codification of the JSP label.

One consequence of the technique is a progressive lack of clarity originating from the definition of organized crime and now moving to the notion of intimidation. Since the definitions of organized crime proposed in Bill C-24 are themselves, vague, unclear and imprecise, identifying intimidation is even more contentious and ambiguous. While the definition of the JSP is unequivocal and directly specified and codified, identifying and reporting intimidation, become entirely contingent upon the JSP interpretation and determination of both organized crime and intimidation.

The Political Technology of Police Immunity from Criminal Prosecution

The provision receiving most attention and controversy in the Committee Hearings surrounded the issue of police immunity. On the one hand, this technique derives from the issue of police limitations:

> Before Shirose and Campbell, a police officer could go in and buy a stolen credit card, stolen property, and they were not prosecuted for that. It wasn't considered illegal. It was considered part of what the police had to do in order to identify a bigger pattern of activity, to determine whether this was part of a bigger issue.[52] (Meeting No. 15, 2001: 18)

In other words, this technique manifests from the legislature's prevalent perception that organized crime requires evasive policing and that undercover police officers must use a variety of techniques, including committing offences, to effectively 'infiltrate, destabilize and dismantle these operations' (DJC, 2001b: 3). It also implies organized crime is hierarchically structured by presuming a 'leader' controls criminal groups. This assumption reflects in the Toronto Police Chief's claim that police immunity is necessary because organized crime is too difficult to access using only law-abiding measures:

> Very often the leadership is insulated and well-protected by all of the underlings who work in the hierarchy, as well we know. Much of the work is done by subordinates, for instance. The heads of large criminal organizations do not often personally engage, instruct people or otherwise lead people into criminal activities. They are too smart for that. (Meeting No.15, 2001: 15)

Police immunity addresses two primary assumptions from the discourse: the first concerns police limitations, while the other describes how organized crime's evasiveness and intelligence creates these limitations. It is not clear if this technique is actually as innovative or controversial as the discourse suggests. Crimes committed through undercover policing is not a new tactic of government and viewing organized crime as

hierarchically structured reactivates highly traditional depictions (i.e. Mafia-style). This representation of organized crime actually contradicts many ideas that police witnesses spent a great deal of time dismissing in favor of new depictions of organized crime (i.e. loosely knit, adaptive, and so forth). In consequence, this technique appears to simply repackage old assumptions into a newly framed context.[53]

CONCLUSION

Although the rationales guiding the production of knowledge in the Committee Hearings to regulate organized crime are diverse, they derive almost solely from political and legal streams of knowledge. It appears to provide diverse and improved techniques of government all the while ignoring dissenting knowledge as seen by the police-influenced rationalities and practices characterizing this legislation. This apparent lack of tolerance for alternative and dissenting views may best be explained by a growing legal perception that, 'such uncertainties and contingencies are forgotten or deleted when facts and artifacts are treated as 'black boxes' (stable entities, processes or laws which are dissociated from the circumstances of their production)' (Lynch, 1998: 829). The framework from which organized crime is conceived in the Committee Hearings is representative of this black box, by way of privileged politico-legal types of knowledge and opinion over any other source of knowledge. All in all, though, the provisions discussed are effective in regulating the actions of organized crime from a diverse and broad range of socio-political and legal outlets. At the same time, the concrete effects of discursive processes are uncertain and typically not acknowledged in the hearings. This points to a general committee trend: the diversion of uncertain or contradictory knowledge of organized crime in favor of fixed and absolute depictions.

The Committee Hearings operate on the assumption that they represent political control and guidance to allying legal institutions and the public. The knowledge produced and techniques developed are highly interrelated and reflective of perceived public fears and insecurities and calls for change from regulators. The discourse also contends that without change and reform in legislation, police will continue to fail in their efforts to successfully combat organized crime. This situation may also be viewed as a political attempt to bridge two perspectives pressuring for change. First, to avoid the distress of an uncertain and anxious public and second, to avoid and minimize the pressure of law enforcement demands for greater resources. What appears to be political certainty might also be contrived responses to the larger social and legal pressures and assumptions founding this rationale.[54] In the next chapter, I analyze the RCMP discourse on organized crime, which informs the rationales perpetuating and justifying numerous governmental technologies.

NOTES FOR CHAPTER THREE

[1] See Beare (2000) for a discussion on the structures, strategies and tactics of transnational criminal organizations and the critical issues for law enforcement.
[2] This is reflected in many speeches and statements in the committee hearings, as well as articles and reports produced from the CISC and the RCMP. This chapter and the remaining two analysis chapters address this claim in more detail.
[3] See Godson and Olson (2000: 366-77), *International Organized Crime*, in Adler and Adler (2000).
[4] The Chair of the Committee was the Honorable Andy Scott, former Solicitor General of Canada.
[5] I chose to focus on the Committee Hearings because they involved witnesses or experts from a wide range of Canadian criminal justice agencies, and thus, broadened the themes, topics and rationalities in the content of the hearings. Although I reviewed the Senate Hearings, I did not use them for this analysis due to the magnitude of documentation involved for analyses. On brief inspection of the Senate hearings, however, I did notice many of the themes reappear, although a large emphasis in these hearings was on September 11. This is also appears to be the reason for the very speedy passage of this legislation.
[6] This included Police Chiefs and Superintendents from Winnipeg, Montreal and Toronto municipal police forces; the Commissioner of and Superintendents from the RCMP; and representatives from the Organized Crime Agency of British Columbia (OCABC) and the Canadian Police Association.
[7] Representatives from the Canadian Council of Criminal Defence Lawyers and the Canada Bar Association.
[8] Representatives from the policy division of the Department of Justice Canada (DJC) and the Department of the Solicitor General of Canada, the Canadian Security Intelligence Service, the National Parole Board, and the Correctional Service of Canada.
[9] See Reddy (1996) who argues that there has been a rise of experts in political situations claiming to possess special qualities or technologies of judgment in relation to an uncertain future.
[10] The relevance and significance of the role of the police as the primary governors of organized crime is reiterated throughout the Committee Hearings by law enforcement and political agents alike.
[11] Porteous (1998) and Sauve (1999) have both studied the impact of organized crime in Canada. In relation to the differences in police-styles emanating from organized crime governance, Sauve found that police officers at the street level had significant problems interpreting the definition organized crime in the Criminal code too broad and used supplementary criteria to determine what organized crime was. Moreover, as street-level data moved up the chain of command, issues of underreporting, lack of standard definitions, the current design of intelligence databases and security of the information sought, all place challenges on efforts to quantify (or qualify) organized crime.
[12] Chambliss acknowledges this point (1998: 59-61, in Henry & Weinstadter, 1998).
[13] This is Foucault's suggestion for the production of discourse (1972: 216)
[14] This is Valier's (2002) term to describe the rhetoric which is part of contemporary punitive populism.
[15] See the RCMP series on Hell's Angels for a comprehensive introduction to this group from the perspective of the RCMP and their heightened status since the Quebec wars (1999b: 1-64)
[16] This is Carole-Marie Allard, Member of the Committee.
[17] Some may argue that these wars or, at least tensions, are still at play in Quebec. See, for instance the CISC annual report sections on Outlaw Motorcycle Gangs (OMGs) (CISC, 2000-2003).
[18] These two deaths were presumed to be ordered by the Hells Angels leader, Maurice Mom Boucher. His implication in these crimes resulted in an automatic life sentence with no change for parole for 25 years. These actions were deemed attempts to destabilize the justice system through intimidation and are a central reason for the new Intimidation clause in *Bill C-24: An Act to Amend the Criminal Code* (discussed in the previous chapter) (CBC, 2004).
[19] See Hamilton for an overview of a RCMP perspective on how Bill C-24 helps undercover police to regulate organized crime (2002: 6-8).
[20] The police response, Operation Springtime, is considered the major operation ending the seven to eight years of street battles between these two gangs over the control of the illicit drug trade (CBC, 2004).
[21] This statement comes from Mr. Stephen Owen, Member of the Committee.
[22] I suggest violent activity as the main referent to threat because of the innumerable references to the Quebec biker wars (and the 160 deaths resulting), the killing of two prison guards in Quebec by organized

crime, and the shooting of journalist Michel Auger (also in Quebec) in the discourse. These three particular examples are heavily reiterated throughout all eight Hearings.

[23] One police superintendent specifically states that, what is clear is that it will become incumbent upon law enforcement to demonstrate the threat posed by organized crime. (Meeting No. 13, 2001: 7).

[24] This statement is made by Chief Julian Fantino of the Toronto Police Service.

[25] See Beare for further elaboration on this point (1996: 138-76).

[26] Statement from Dave Douglas, Chief Officer, Organized Crime Agency of British Columbia (Meeting No. 15, 2001, p. 2). See also Lawrence MacAuley, former Solicitor General of Canada (Meeting No. 11, 2001, pp. 7-9); and R.G. Bob Lesser, Chief Superindent, Officer in Charge, Drug Enforcement Branch, Federal Services Directorate (Meeting No. 17, 2001, p. 27) for similar views.

[27] Statement made by Anne McLellan, the former Minister of Justice Canada. For similar comments, also see Inspector Mike Ryan, Proceeds of Crime Division, Organized Crime Agency of British Columbia (Meeting No. 13, 2001: 5).

[28] This statement is made by an Inspector of the Organized Crime Agency of British Columbia (OCABC).

[29] This claim comes from Stephen Owen, Committee Member, (Meeting No. 12, 2001).

[30] This theme was reiterated in all of the Committee Hearings where police witnesses accounted for and described some aspect of organized crime.

[31] This statement is made by Chief Julian Fantino (Toronto Police Service).

[32] One interpretation of victim-centered rhetoric is Nelson-Rowe's (1995) notion of the melodramatic moral order. He suggests that social problems claimsmakers use the principle identities of villain, victim and hero. These social problems claimsmakers contend that the victims are completely powerless to confront the villain, and need to be rescued or protected by the heroes; and that villains are unremittingly evil and heroes are paragons of virtue (in Best, 1995: 84).

[33] The list of justice system participants includes journalists, Members of the House of Commons and of the Senate and anyone who plays a role in the administration of justice, such as witnesses and jurors, police and other public officers (Meeting No. 11, 2001: 2-3).

[34] See the discussion by Lucie McClung, Commissioner of the Correctional Service of Canada for an interesting insight (Meeting No. 14, 2001: 7-8).

[35] See Meeting No. 14 in general. This meeting included many non-police criminal justice representatives, such as the Correctional Service of Canada, the Canadian Security Intelligence Service and the National Parole Board.

[36] See, for example, a discussion from Meeting No. 13 (2001:14-16). For a more comprehensive overview of the economic crisis posed by organized crime in Canada, see Beare and Naylor (1999), *Major issues relating to organized crime: Within the context of Economic relationships*. For an analysis of Canada's role in the global picture, see Robinson (2003), *The Sink: Crime, Terror and Dirty Money in the Offshore World.*

[37] For a comprehensive analysis and overview of the economic crimes committed by organized crime in Canada, see Beare & Naylor (1999).

[38] This claim comes from Honorable Lawrence MacAuley, former Solicitor General of Canada.

[39] Statement made by Bill Blaikie, Member of the Committee, in the final deliberations (last meeting) on Bill C-24.

[40] The reasonability and proportionality standard requires that police officers must believe on reasonable grounds that committing or omitting a criminal act is reasonable and proportional to the circumstances. They must also be aware of the nature of the law enforcement duty or function being carried out, and to the reasonable availability of other means for carrying out that duty or function. (Anne McLellan, former Minister of Justice Canada, Meeting No. 11, 2001: 3).

[41] Chief Julian Fantino of the Toronto police, quotes author Jeffrey Robinson to exemplify the disadvantaged position of police compared to organized crime (Meeting No. 15, 2001: 14).

[42] For instance, see Mr. Yvan Roy, policy advisor for the Department of Justice, in his discussion about how the definition of criminal organization proposed in Bill C-24 emulates the UN definition of organized crime developed at the Transnational Organized Crime Convention in December 2000 (Meeting No. 17, 2001: 6-7; Meeting No. 11, 2001: 24). In discussions promoting ministerial over judicial accountability, he refers to England, the United States, Australia and New Zealand models, which have shifted away from judicial accountability (Meeting No. 17, 2001: 4-5). See also Mr. Irwin Koziebrocki, vice-president of the criminal lawyer's association, on his comments regarding Bill C-24's necessary similarity to RICO, the

organized crime legislation in the United States (Meeting No. 15, 2001: 11). In Meeting No. 11, a debate between lawmakers demonstrates the perception that Canada must follow along with the Americas, the G-8, the European Community and the United Nations (2001: 9)

[43] The most prevalent and recurrent case is the Campbell and Shirose (1999) Supreme Court decision, which restricts undercover police officers from committing illegal acts. There are also numerouse references to the Stinchombe case in 1991, which made mandatory the disclosure of evidence to the accused (Meeting No. 13, 2001: 16; Meeting No. 15, 2001: 39); and the McDonald Commission, approximately 20 years ago, which also granted very restrictive immunity to undercover police agents when investigating complex or organized crime (Meeting No. 12, 2001: 10-11).

[44] This question was posed by Greg DelBigio, Member of the National Criminal Justice Section, Canadian Bar Association, (Meeting No. 13).

[45] This comment is made by Alan Borovoy, Member of the Canadian Civil Liberties Association in Meeting No. 12.

[46] The definition of human/civil rights in the Committee Hearings usually associates with the democratic principles established in the Canadian Charter of Rights and Freedoms.

[47] See Dyck, for a more precise and accurate understanding of the relationship between the Committee Hearings and the Legislation (2004: 475-611)

[48] This issue was a particular sore spot in the committee hearings, and this debate recurred incessantly, particularly n discussions about definitions of organized crime.

[49] Prior to Bill C-24, enterprise crimes referred to crimes such as firearms trafficking, stock market fraud and arson (DJC, 2001b: 1).

[50] For example, see the discussion between Mr. Lynn Myers and Mr. Real Menard, members of the committee, (Meeting No. 17, 2001: 27-29)

[51] Justice system participants include witnesses, jurors, police, prosecutors, prison guards, judges, members of the media

[52] This statement made by Commissioner Zaccardelli of the RCMP. For a similar discussion see Committee Member Roy in (Meeting No. 17, 2001: 16)

[53] See Ruggiero (2003b) for an analysis of how terrorism also represents the revitalization of political agendas and techniques.

[54] Interestingly, one of the accountability provisions in Bill C-24 is its required review after three years of its implementation. It is up for review sometime in the later months of the year 2004.

CHAPTER FOUR

THE RCMP DISCOURSE ON ORGANIZED CRIME

If various assumptions about organized crime are entrenched in the Committee Hearing discourse, the RCMP discourse adds considerably more. Although we saw that police knowledge about organized crime was highly influential in the Committee Hearings, the information and opinion relayed took place in a highly political context. This led to depictions of organized crime which, more often than not, derived from an emotional rhetoric and produce violent and dangerous images. In contrast to sensational depictions, the RCMP discourse applies more utilitarian assessments to organized crime. These typically surface in discussions about organized crime relative to the means, measures and tactics currently in use (or being developed) to assess and control them. As such, the moral and political overtones are reduced in favor of a broader variation of rationalities aiming to describe organized crime in pragmatic contexts.[1]

The RCMP discourse about organized crime reveals two central rationalities of government: the need for assistance and improving responses against organized crime. Both rationalities center on the fundamental notion of partnerships as a means to build larger and more collaborative systems of networking and information sharing (see Ericson & Haggerty, 1997). The RCMP contend that partnerships are bridge-building mechanisms, enabling them to,

> ...connect us to our environment, internally, locally, nationally and at an international level. These connections ensure that we have the right information and that we know what is going on. Central agencies, provincial and municipal partners and international partners all play a role. (RCMP, 2001e: 4)

As such, the rationality of assistance derives from the foundational assumption that partnerships with other law enforcement and non-police agencies are required to access specialized forms of knowledge. This rationality predicates on the notion that the RCMP have been so far ineffective at adapting to changing technologies and specialized knowledge that is available to and used by organized crime. It also takes a view of organized crime as intelligent, sophisticated and capable of specializing in diverse realms of knowledge and criminal activity. To counter these perceived challenges, the RCMP calls for assistance from agencies perceived to be equivalently specialized in these areas. By partnering with agencies specialized in financial information, territory and security, the RCMP feels this will achieve and increase a more efficient system of government. Consequently, ideas of specialization and efficiency amalgamate in this discourse to justify partnerships between the RCMP and external partners.

In many ways, the second major rationality of improvement connects to the rationality of assistance to legitimately sanction the practices proposed under this reasoning. For instance, demonstrating improvement requires the RCMP to draw from these already in-motion partnerships, to exemplify the possible benefits of integrative strategies. Another association between these two, central rationalities is the event of September 11 (9/11). Under the reasoning of assistance, the 9/11 event justifies RCMP partnerships to agencies and departments involving territory and security. Under the rubric of improvement, however, the issue of 9/11 extends RCMP partnerships to the international level. In this case, the international partner (rather than the external partner) signifies improved government. As well, three coexisting (smaller) rationales also interrelate to demonstrate improvement: a coercive mentality concerned with suppressing

organized crime; a preventive rationale seeking to avoid potential harms; and, an anticipatory rationale concerned with predicting organized crime emerging trends. These three rationales converge in the RCMP discourse to constitute the rationality of improvement and justify a wide range of practices with international agencies. However, before I analyze these two primary rationalities, it is first necessary to list the types of information and documents used for this analysis, followed by an outline of the structure, roles and responsibilities of the RCMP as they apply to organized crime.

Given the scope of the organized crime issues and the multitude of information available from the RCMP, I did not study all of the information pertaining to organized crime. My analysis draws from a variety of RCMP sources, including two of their magazines (the *Gazette* and the *Pony Express*), productivity and performance reports, Environmental Scans, relevant documents from the Department of Justice Canada (DJC), Solicitor General of Canada (SGC), news reports, web sites, as well as academic reports published under contract.[2] Although not exhaustive, they do indicate the dominant views of organized crime within RCMP sanctions and sources. I limited my research to the period of 1998 to 2003. Prior to 1997, there is much less evidence that the RCMP considered organized crime to be a threat to the extent that it has in the last five years.

THE RCMP 'ARCHIPELAGO'

While the RCMP play a significant role in shaping societal assumptions about organized crime, it must be kept in mind that the concept of organized crime is also an opportune foundational point from which many other sources of information, rationalities, agendas and operatives converge. Institutionally speaking, organized crime produces a discourse infrastructure for the RCMP (Whitmer, 1999),[3] which sustains and

perpetuates many assumptions of organized crime as a multi-dimensional threat to society. It also justifies a continual evolution of resources and other means of practical support for the RCMP to respond to organized crime through equally diverse and expansive practices (RCMP, 2001f). The less explicit function of this infrastructure is to provide a productive medium for the RCMP to expand its knowledge and power base relating to organized crime.

In general, the RCMP is a federal police force concerned with many elements of criminality at the local, national and international level, although a significant number of distinct units, sections, programs and initiatives emerged for the specific purpose of regulating organized crime.[4] Equally, there is no specifically designated organized crime section, unit or jurisdiction generating programs. Nevertheless, some of the most frequently referenced organized crime applications include the Organized Crime Enforcement Program,[5] the Criminal Intelligence Directorate[6], the Customs and Excise Program,[7] the Immigration and Passport Program,[8] the Police Training Assistance Program,[9] the Drug Enforcement Branch,[10] the Combined Forces Special Enforcement Unit,[11] and Integrated Proceeds of Crime Units.[12]

The evolution and rationalization of each of these programs has been in conjunction with heightened attention to organized crime through sensationalized media accounts, a concerned public,[13] and the belief that organized crime is a growing threat and hazard to many dimensions of society including the economy and the government (Hamilton, 2000e: 14-18; Nicolle, 2003c: 29).[14] This partitioned institutional approach to organized crime appears to influence police governmentalities directed at organized crime in two broad ways. First, it validates a proliferation of sites from which diverse

connections to external partners can emerge (that would otherwise be limited if constrained to one centralized section, unit or program).[15] Second, by linking to external localized sites in the discourse under the pretext of responding to multiple contextual or geographic needs, the RCMPs institutional structure diversifies the places where organized crime can be defined.

Consequently, diversification is a central notion to the RCMP's expansive range of governmentalities directed at organized crime. This is clear from the increasingly assorted and internationalized systems of assessment and control developed for organized crime regulation over the last five years.[16] These changing governmentalities correspond to two key, related assumptions about organized crime. The first assumption produces the rationality of assistance, and contends that organized crime possesses increasingly specialized knowledge and sophisticated methods to conduct unconventional crimes. These assumptions lead to perceptions that these superior skills enable organized crime to better evade law enforcement detection, through better access to sophisticated technologies, information sources, contacts and communication systems (RCMP, 2003e). This perceived knowledge gap between organized crime and the RCMP authorizes techniques to reduce this distance through collaborations with external partners (RCMP, 2001f; Kerr, 2002b). The external partner becomes the primary signifier of assistance, as well as representative of the RCMP transition to unconventional, innovative methods of organized crime control (RCMP, 2002d: 1-28). In turn, this sets the assumptive foundation for the rationality of improvement to cultivate in the discourse.

The second primary RCMP assumption is that organized crime increasingly operates on a global scale. This assumption is central to the rationality of improvement,

and presumes organized crime has expanded its criminal reach into international jurisdictions to exploit global economies, social and political systems (see Kerr, 2002c: 5-7). This global effect is also blamed for the perceived assimilation of what were previously singular, discrete criminal organizations. Under the impression that the world is animated and changing, the Commissioner of the RCMP contends,

> Globalization has forced us to break out of our cocoons. We're part of a global environment where there are no boundaries. We must interact with the world and become partners in a global team. (RCMP, 2001e: 2)

In this manner, the world is the new site for governmental strategies, and organized crime is presumed to be operating together for a common criminal purpose (see Viano, 1999; Lemieux, 2003). To compete with this vision of organized crime, the RCMP promote the international partner as essential to improving government. It also represents the means to achieve a common system of regulation (Nicolle, 2002; 2003a).

Taken together, these two primary assumptions create the two major rationalities in the RCMP discourse, and authorize an overwhelming number of practices designed to classify and assess organized crime. Although the RCMP justifies each partnership discretely, and in specific discursive contexts; all in all, the combination of rationalities and practices produces inconsistent and contradictory knowledge about what the best practices to govern organized crime are. For instance, while collaborations to external partners are perceived to increase efficiency, such affirmations are simultaneously counteracted by objectives to suppress organized crime through coercive and even militaristic measures.[17] Before I illustrate how both rationalities of assistance and improvement represent changed forms of reasoning for the RCMP, I briefly examine what they consider traditional practices directed at organized crime.

Prior to the influence of the Quebec biker wars and the 9/11 attacks, regulating organized crime depended on long-established techniques (see Loader & Walker, 2001). These include state influenced and directed enforcement (criminal justice programs and policies); largely reactive and situational approaches (RCMP, 1998; 1999a); the confinement of practices within specified jurisdictional boundaries and by individual police agencies; investigative and prosecution techniques including undercover operations; and, consequences for crimes such as imprisonment (RCMP 1999b; 2000a). These techniques predicated on the assumption that organized crime acted locally and within national parameters; was typically involved in signature criminal activities, and had an obvious and discernable structural composition (see MacKenzie, 2002).

The following analysis focuses on how the RCMP perceives changes away from these more traditional strategies of government. At the same time, I am not suggesting that recent or emerging practices have replaced traditional responses to organized crime, only that the discourses bring more attention to changing governmentalities through their focus on requiring assistance and improving strategies.[18] In both sections, I examine how the RCMP requires assistance, and improves government, by isolating and extracting the assumptions of organized crime most influential in developing these two rationalities. This way, the most influential premises guiding RCMP thoughts, views and practices towards organized crime, are more apparent.

THE RCMP DISCOURSE

As discussed, the notion of partner is an essential premise validating both rationalities of requiring assistance and creating improved measures.[19] The rationality of assistance centers on ideas of the external partner as the necessary aid to improving

efficiency, while the rationality of improvement focuses on the international partner. In one respect, the general privilege given to the idea of partnerships in recent RCMP discourses reflects the neo-liberal notion[20] that assisting or complementary collaborations create a distance between the formal institutions of the State and other social actors (see Jones, 2000).[21] This provides State forms of government, such as the RCMP, with alternative channels to regulate and control the object of government in unconventional manners (Rose & Miller, 1992). It also allows the RCMP to expand authority into multiple jurisdictions by channeling power through alternative sources, such as the external or international partner. The effect is a myriad of discrete depictions of organized crime, each contingent on the precise partnership.

The Rationality of 'Assistance': Incorporating the 'External Partner' into the RCMP Regime of Government

Governing organized crime has shifted, incorporated and reformulated many times in the previous decade. Awareness that police alone are unable to control the many existing and emerging features of organized crime has left the RCMP in a position to seek assistance from external partners[22] and other local, provincial and international police agencies. As indicated, organized crime regulation now exists on many different levels of specialized knowledge due to the contribution of power/knowledge relations from exterior agencies and departments traditionally uninvolved in police forms of control (RCMP, 2001e). Collaborations to external partners also constitute many discrete depictions of organized crime directly related to the nature of the partnership.

The rationality of assistance derives from the assumption that organized crime is a multi-faceted entity, capable of achieving and using increasingly specialized knowledge in order to conduct criminal activities for profit. This leaves the image of organized crime

as overwhelming for police, which creates too wide a field to which the RCMP alone might respond, and justifies external partnerships as the necessary channels to access the same sorts of specialized knowledge organized crime is perceived to have. This broad view indicates multiple sites from which organized crime might operate and translates into unfamiliar knowledge for police comprehensions and responses. Consequently, this primary view of organized crime provides the assumptive framework for police to develop external partnerships.

The external partners most often referred to in the discourse include banking and financial institutions, and departments involved in immigration, customs, foreign affairs, security and defence. Assuming that organized crime has specialized knowledge to exploit these areas, produces context-specific, discrete depictions of organized crime to reinforce the necessity of the partnership between the RCMP and the external partner at hand. In total, this sets in motion the rationality of assistance and justifies partnerships between the RCMP to gain the specialized knowledge external agencies are perceived to possess.

To illustrate the necessity for external partners, the RCMP discourse provides evidence of the restrictions and limitations resulting from this resourceful, specialized view of organized crime. Obtaining assistance from external partners appears necessary in the discourse when police represent organized crime as the root of their mounting requests and limited resources (RCMP, 2003d: 7; Smythe, 2000: 40-47). Viewing organized crime as capable of many specialized techniques necessitates assistance, when police success also relies upon being,

> ...flexible enough to respond to the ever-changing face of organized crime, funded and staffed adequately, use specialized investigative and prosecutorial

> methods, and be managed by senior police officers with an expertise in reducing the impact of organized crime. (RCMP, 2000b: 46)

This way, the external partner comes to represent both a means to achieve better efficiency and flexibility for the RCMP. They enable increasingly diverse outlets for the RCMP to gather and generate knowledge about organized crime. Regulatory strategies no longer depend only on knowledge of the *Criminal Code* to govern, but draw from civil, administrative, economic, and technological fields of knowledge to expand and diversify applications into alternative fields of regulation. The notion of organized crime as only a criminal object fractures with the assistance from external partners and creates a diverse range of discrete depictions encompassing both legal and non-legal logics.

The following section investigates a number of partnerships formed to assist the RCMP by isolating the assumptions of organized crime justifying each technique. Key partnerships include agencies and government departments involved in banking and finance, approaches based on civil (rather than criminal) law, and, agencies and government departments involved in customs, immigration and security. The following analysis isolates each partnership to elucidate how shifting definitions of organized crime permit and justify the RCMP expansion of authority into diverse terrains of government and society.

The Profit Question: Proceeds, Assets and Taxation

Governing illegal proceeds of crime associated with organized crime legitimates RCMP partnerships to private sectors and government departments dealing with financial knowledge. Under the assumption that organized crime causes economic harm, the severity of the problems associated with organized crime's illicitly derived wealth is described as, 'surpassing that of some developing countries' (RCMP, 2003c: 8). Rider

argues that the police are implied in governance of economic crimes, when 'criminal conduct is motivated by economic gain, it makes a great deal of sense to attack the profits of crime' (2002: 2). Naylor (2003) elaborates on this proposition, adding that any police-based response directed at organized crime's money requires distinguishing criminal *income* (i.e. proceeds) from criminal *wealth* (i.e. assets). The following section illustrates how the RCMP comply with, and even compound, these statements by fracturing the assumption of profit into proceeds, assets and taxation. Each of these sub-assumptions justifies a specific response (partnership) for the RCMP to address the many functions of organized crime's profit: where it comes from, how it transfers into assets (material goods and investments) and how it evades law enforcement detection.

The first partnership deals with proceeds of crime (criminal income) and primarily deals with issues of money-laundering. The RCMP presume that lack of police efficiency to regulate this crime stems from inaccessible financial information. This justifies assistance from banks and other financial institutions and sectors and creates multiple techniques of government. For instance, the RCMP develops programs such as the Financial Crimes section and International Market Enforcement Teams (IMETs). Protocols are instigated to share information between the RCMP and the Canadian Bankers Association and results in the development of FINTRAC.[23] The RCMP also participate in numerous national and international conferences dedicated to issues of money laundering, such as the International Money Laundering Conference, International Congress on Money Laundering, and the RCMP commitment to the Financial Action Group, to name a few.[24] Most of these partnerships seek to deter money-laundering by increasing police knowledge through shared criminal and financial information. This

justifies partnerships between the RCMP and the cooperating financial institution and other, concerned law enforcement agencies.

Such collaborations reconfigure organized crime regulation for the RCMP in two significant ways. First, banks and financial institutions take a frontline position to become the experts and the RCMP depend on their cooperation and knowledge (RCMP, 2000b; 2003e). This shifts regulatory power from the RCMP to banks and other financial institutions generally, and bankers, lawyers and accountants specifically. The second implication of these partnerships is that financial institutions become the technology of government for police strategies to render their operations more visible. Banks and financial institutions are required to cooperate and disclose designated information to the appropriate police force when the financial agency has, 'reasonable grounds to suspect that the information would be relevant to the investigation or prosecution of a money-laundering offence' (RCMP, 2003a).[25]

While governing proceeds of crime (criminal income) entails assistance from the private sector (banks and other financial institutions), the second type of profit receiving police attention is the assets of crime. Considered the wealth resulting from proceeds of crime, this creates another series of practices seeking to control assets through the implementation of civil (rather than criminal) law. Naylor (2003) argues that regulating the assets from proceeds of crime does not involve, 'a contest between predator and victim over forcibly or fraudulently redistributed wealth, but a quarrel over the distribution of profit' (2003a: 51). The RCMP reveals a similar assessment of organized crime as non-predatory, by the very fact that they borrow civil legal practices to deal with

asset-related crimes. In this regard, police views of organized crime transcend purely criminal perceptions.

Outside of an organized crime context, civil laws typically involve actions by one private citizen against another, the pursuit of damages that correspond to actual events and require only a slim burden of proof (Naylor, 2003b: 281). Applied to organized crime, civil law provides a loophole to the common law requirement of proof beyond a reasonable doubt by accepting a 'prevalence of evidence' instead (Lyman & Potter, 2000: 477-85). One prevalent example in the RCMP discourse involves amendments to proceeds of crime provisions through Bill C-24, effective on February 1, 2002 (DJC, 2001b; 2002). Before this amendment, police could only seize, freeze and confiscate proceeds of a few listed crimes. This legislation expanded the range of proceeds that can be dealt with civilly, broadened the places authority can confiscate proceeds to foreign countries, and expanded police powers to forfeit offence-related property presumed to be used in crimes (i.e. houses, real estate, vehicles or equipment) (RCMP, 2000b: 7). The RCMP also developed Integrated Proceeds of Crime Units (IPOCs), which relate to asset-related crimes, by, 'intensifying and making more efficient and effective the investigation and prosecution of major organized criminal and crime groups operating in Canada, primarily through proceeds of crime seizures, forfeitures and associated penalties' (RCMP, 2003c: 11).

Governing assets through seizing, freezing and confiscation techniques implies police perceptions that the criminal judicial process is laborious and onerous when applied to organized crime, without reassurance of convictions. Civil-legal practices fill the void left by unsatisfactory criminal-legal strategies, to facilitate practical responses

against types of property presumed to derive from criminal profits, used to conduct criminal activity or to instigate crimes.[26] Consequently, the codification of a civil legal method to organized crime exposes a redirection in police confidence away from criminal legal processes and towards alternative responses.

The third way profit is regulated by the RCMP involves taxation. Police attention focuses on the, 'misreporting and underreporting of organized crime income,'[27] to target illicit activities such as tax fraud and tax evasion. Relating organized crime to tax practices distinguishes the criminal organization from the criminal individual through emphasizing the high-level leader or criminal figurehead as the target of practices seeking to control tax-related crimes. This view accredits RCMP collaborations with the Canada Revenue Agency (CRA)[28] to enforce organized crime through joint strategies involving both the *Criminal Code* and the *Income Tax Act* (RCMP, 2000b; 2003d: 10).[29] Similar to the partnerships with financial institutions, this partnership appears to assist the RCMP by linking two previously separate bodies of knowledge by means of jointly directing them to a commonly defined threatening entity.

The wide variation of tactics emanating from the base assumption of profit alone signifies the ease by which police authority diversifies and expands into many domains of knowledge. Framing organized crime in economic terms creates organized crime into a criminal object with an economic function. It is the perceived economic function of organized crime that facilitates assistance from financial (private) and civil realms of knowledge and practice. Under the guise that organized crime has the flexibility and capacity to generate huge profits from criminal activities that are 'jurisdictional in scope, complex and opportunistic in nature' (RCMP, 2000b: 14), the value of such partnerships

to authorize and perpetuate police perceptions becomes evident as it transcends into a broader field of regulation concerned with banking, finance and taxation.

Geo-Political Reasoning: Governing Organized Crime through Territory

Attempts to control organized crime's profit unite around the single assumption that organized crime is always driven by a motive to profit, and the range of tactics emerging from this assumption indicates the potentially unlimited range of actions possible. In this section, viewing organized crime in the context of territory develops a similarly broad reach of government. This depiction results in partnerships with immigration and customs agencies, and other national and international State departments concerned with some aspect of protecting the nation. The broad, central premise facilitating these partnerships is that organized crime is mobile, commits crimes in multiple jurisdictions, and exploits certain territorial spaces. A moral line of reasoning also coexists with perceptions of territory to invoke strategies designed to protect the nation, international relations, security and geography. The most extremist vision draws on the 9/11 attacks to connect notions of security and territory, which produces visions of organized crime as a threat to national security through its perceived similarities and associations to terrorism. The following discussion outlines the multiple knowledge and practices evolving from the police focus on specific territories as the sites to govern organized crime.

In many ways, the following analysis aligns with what Rose and Miller refer to as geo-political processes of thought, which:

> Establish the limits and coherence of the domains of political authority, demarcate the geographical and conceptual spaces of political rule, constitute certain authorities as able to speak for the population, and place them in particular configurations with other 'states' and internal relations with events in particular locales. (1992: 178)

Geo-political modes of government emerge in the discourse when the RCMP associates specific territorial spaces to organized crime. The geographical locations designated as high-risk sites for illegal conduct are points of entry, such as borders, airports and (marine) seaports. Framing organized crime as a threat to these spaces surfaces from descriptions of how criminal groups smuggle persons, commodities, and contraband. Assistance to the RCMP emerges in the form of partnerships with agencies and institutions presumed to be knowledgeable about the exploitation of immigration and customs policies, by sharing context-specific information related to each point of entry.

To indicate precisely the instances in the discourse transforming organized crime into a political object of territory and security requires further examination into the spatial, strategic metaphor of nation.[30] This concept depends upon two rather paradoxical RCMP beliefs about Canada: it is both a disconnected, distinct and sovereign nation to other nations and requires protection; and, it is an indistinguishable nation involved in a larger system of international governance dedicated to controlling organized crime. According to the first view, to maintain the integrity of Canada as a discrete nation requires protection from dangerous and threatening outsiders and foreigners.[31] Linking organized crime to ideas about Canada's distinctive identity implies foreigners as the primary threat to the nation.[32] For instance,

> Canada is quickly becoming one the most important bases for the globalization of organized crime in recent years and, criminals are increasingly attracted to the weak laws governing their activity and the lower risks of detection than is found in the United States or Europe. (RCMP, 2000b: 18)[33]

Demarcating Canada as vulnerable to foreigners, and specifying points of entry as the spaces enabling this threat, licences exclusionary practices directed at prohibiting

foreign nationals through immigration and customs practices and policies.[34] This reasoning facilitates partnerships between the RCMP and federal departments such as the Department of Foreign Affairs and International Trade (DFAIT)[35], the Canadian Border Services Agency (CBSA)[36] and Citizenship and Immigration Canada (CIC).[37] It also justifies numerous smaller partnerships contingent upon the particular geographical site (i.e. port authorities, airport security and so forth). The particular focus on foreigners creates organized crime into an immigration/ security concern and licenses a proliferation of practices, such as Integrated National Security Enforcement Teams (INSETs), to govern through prohibiting the entry of foreign nationals and illicit commodities into Canada (RCMP, 2002a: 28; RCMP, 2002f; RCMP, 2002d).[38] Examples of specific targets include human smuggling/trafficking, in addition to practices in the direction of monitoring international documents such as passports[39] and visa applications.[40]

The second concept of Canada intensifying in post-9/11 rhetoric is as indistinguishable from other nations concerned with security. Canada is no longer viewed in terms of its distinction from other countries, and technologies and strategies of government do not focus on protecting Canada from security threats. Rather, the RCMP produce a de-centered view of Canada as being one part of a larger conglomeration of global partners concerned with safety and security, all involved in seeking to regulate a commonly defined enemy. This discursive context produces organized crime as benefiting (financially) from globalization due to such factors as 'increased travel, trade, rapid money movements, and telecommunications and computer links' (RCMP [ES], June 2003: 110).[41] The compatible view of Canada is now framed as an important branch operation in the global business of organized crime (RCMP [ES], June 2003; RCMP

[ES], June 2002). This reasoning and representation justifies Canadian law enforcement participation in a range of national and international law enforcement conferences and symposiums dedicated to governing organized crime on a world level (Kratcoski, 2001: 7-9).

The Effect of 9/11: Defining Organized Crime in 'National Security' Terms

Associating the notion of security with nation (Canada) has the most powerful effect on definitions of organized crime. Since 9/11, the particular discursive effect of this event on RCMP discourses has been to link notions of organized crime to terrorism on a number of conceptual and practical levels. This also conveniently enables the discredit of both entities in the RCMP discourse. One way this association manifests is through identifying similarities between the two entities (see Shelley, 2002; Taylor, 1985; Dishman, 2001). For instance, the RCMP presumes similarities between organized crime and terrorism based on their 'emerging and consolidating' crime trends.[42] The idea of a 'matrix model' of criminal activity between the two entities is presumed in some cases, particularly in the area of drug-trafficking or 'narco-terrorism' (RCMP, 2002e; RCMP, Environmental Scan [ES], June 2002: 81, 100; ES, June 2003: 100).[43] Even prior to 9/11, organized crime's use of intimidation is described as 'Mafia terrorism' (RCMP, 200b: 7). Assumed similarities between the motives of organized crime and terrorism also appear in the discourse when both entities are conceived as, 'transnational opportunists' (RCMP [ES], June 2003: 117).[44] The RCMP also conceptually links the two entities by assuming they both create vulnerabilities to points of entry: 'borders, air cargo, ports and railways exploitable by terrorists and organized criminals' (RCMP [ES], June 2003: 128).[45] The RCMP also justify increased funding for terrorism to, 'leverage organized crime

capacity' through 'post-9/11 funding serving the dual purpose of helping to combat organized crime' (RCMP [ES], June 2003: 105, 129). Finally, conceptual and practical associations emerge from organized crime and terrorists perceived effects on each other. After September 11, the RCMP contends that organized crime, 'benefits from the global focus on terrorism.'[46]

The consequence of associating organized crime to terrorism is that it legitimates the connection of the larger national security designation to organized crime.[47] One particular influence of this national security designation is that it reinforces the necessity of partnerships to govern organized crime through a number of new techniques to protect the nation.[48] Immediately after the 9/11 attacks, the Government of Canada announced:

> New measures to strengthen Canada's ability to prevent, detect and respond to existing and emerging national security threats. This funding is for 17 specific national security programs in an effort to meet four objectives: further enhance integrated investigative/ enforcement agencies; improve technology; increase protection services and enhance information sharing with other governmental departments and international and domestic law enforcement agencies. (RCMP, 2001b: 1-4)[49]

Emphases on integration, technology and information-sharing also refocus RCMP attention to notions of territory in a slightly different way, contending that organized crime is now a threat *environment* (see Law Commission of Canada [LCC], 2002),[50] rather than a threatening *entity*.[51] In Canada,[52] this designation authorizes an entirely new set of RCMP relationships to 'weigh threats' through collaborations with the Department of National Defence (DND), the Criminal Intelligence Service of Canada (CISC), Health Canada, the Office of Critical Infrastructure and Emergency Preparedness, the Department of Justice, Transport Canada, the Privy Council and Interpol Ottawa.[53]

Generally, framing organized crime in terms of national security is novel in the RCMP discourse and has powerful effects on changing the practices associated with organized crime. Prior to September 11, for instance, security in the context of organized crime generally referred to 'human security' emphasizing the protection of vulnerable persons rather than the 'national security' concentration on vulnerable spaces[54] (RCMP, 2001e; see also Zedner, 2003). For instance, the focus on human security resulted in the RCMP partnership to DFAIT to target substance abuse. The RCMP used law enforcement procedures to enforce drug laws and DFAIT provided foreign aid programs to monitor and assess illegal drug crops overseas (Canada's Human Security Program [CHSP], 2001; see also DFAIT, 2004). In the post-9/11 discursive environment, however, the RCMP contends that, 'human and civil rights setbacks,' are necessary in light of 'greater international security goals' (RCMP [ES], June 2003: 59). The particular distinction between national security and human security adeptly highlights how a slight change in the connotation of security, significantly alters both the knowledge and practices employed by the RCMP to regulate organized crime.

In sum, this section has examined how the rationality of needing assistance sanctions a wide variety of external partnerships for the RCMP. In a Canadian context, and under the assumption that organized crime produces diverse and multiple threats, partnerships extend from the police force and into areas of banking, civil law, information and communication technologies, and agencies responsible for territory and security. While the 9/11 attacks intensify the need for assistance through external partnerships, this event is also the point in the discourse triggering a notable shift to the rationality of improved government.

The next section analyzes the related, but newly emerging, rationale of improvement within RCMP discourses. As discussed, the central premise informing improvement is that the partnerships commenced under the rationality of assistance are now in place and producing effective and beneficial effects. To indicate this shift in reason, the discourse also reframes the notion of the partner from external to international, and reaffirms the necessity for strategies defined by partnerships, collaborations and integration. For instance,

> The short- and long- term response to the terrorist attacks were characterized by unprecedented levels of collaboration within and beyond the RCMP. More than ever before, the vision of integrated policing was put into action. (RCMP, 2002a: 1)[55]

Thus, the 9/11 event acts as the central premise demonstrating common regulatory goals between the RCMP and law enforcement in other countries, and the international partner becomes the primary signifier of this form of improved government. By extending partnerships into the global as a new site for governing strategies, this also indicates the RCMP change in capabilities from simply reacting and catching up to now preventing and anticipating organized crime.[56] Although the rationality of improvement implies advanced and progressive methods of organized crime control, it simultaneously coexists with a highly retaliatory rationale brought on by the RCMP's discursive reaction to terrorism in post-9/11 discourses. As a result, the rationality of improvement relies on two broad and contradictory rationales: one optimistic and the other coercive. The juxtaposition of both rationales in one discourse is contingent on the 9/11 attacks to bind these otherwise opposing points of view.

THE RATIONALITY OF 'IMPROVING PARTNERSHIPS' TO ADDRESS ORGANIZED CRIME

Demonstrating improved government in the discourse is represented by increasingly complex collaborations between the RCMP and international partners (see Shearing & Wood, 2003). The international partner signifies a broader base of knowledge, experience and expertise through techniques designed to expand RCMP authority, improvise, and adapt to multiple investigative and intelligence collecting techniques,[57] such as target-setting, information management, risk and threat assessments (RCMP, 2003a). From a territorial perspective, the new site of this governing strategy is the world, and regulation now depends on rather abstract visions of the international, such as, 'every point on this planet is in the same proximity to one another, regardless of location' (RCMP, 2003d: 36).

Three smaller rationales coexist within the rationality of improved government to expand definitions, thought and practices dedicated to organized crime. The first is a coercive mentality, which reflects the RCMP's reactive stance towards terrorism and other impacts of 9/11. This streamlines definitions of organized crime into a common enemy, and authorizes international partnerships between the RCMP and many national and international agencies. The second rationale focuses on preventing organized crime. The definition of organized crime moves to a shared object of knowledge, which licences strategies to increase knowledge through international education and training programs. Finally, the third rationale seeks to anticipate/predict organized crime by broadening the regulatory networks through which intelligence-led policing practices are able to share information. The RCMP strategically negotiate the contradictory effect produced by coexisting coercive and proactive rationales, however, by emphasizing how both lines of

thought center on common goals to reduce future harms from organized crime (RCMP [ES], June 2002: 99; RCMP [ES], June 2003: 49, 134).[58] The appearance of both lines of reasoning is also discursively strategic, and allows the RCMP to pull together diverse and foreign knowledge into a (Canadian-based) policing context. The following sections examine the assumptions sustaining each rationale and how they contribute to the larger rationality of improvement.

The Definition of a 'Common Enemy:' Developing Techniques to Suppress Organized Crime at an International Level

As noted in earlier discussions, depictions of organized crime as a threat to security are sustained by associations with terrorism in light of the post 9/11 attacks. This association is the first indication of a shift to improved government in the RCMPs discourse, calling for and providing reasons for why change is necessary. The shift changes the basis for viewing organized crime as a singular entity driven to profit or exploiting certain territories, through rhetorical strategies that simplify discrete depictions into standardized definitions enabling both the RCMP and its international partners to be of the same opinion (see RCMP 2002d; 2003a; 2003d). Part of this transition emerges from the RCMP proposition organized crime operates and threatens the world, and not only specific, localized (or Canadian) points of entry. For instance, organized crime is blamed, in part, for contributing to an increasingly, 'globalized, technologized and terrorized world' (RCMP [ES], June 2002: 103). This prompts visions of organized crime as a common enemy and threat to shared security, and provides the assumptive grounds for the RCMP to shift attention away from individualized and localized solutions (i.e. asset forfeiture) in favor of global strategies such as 'coalitions of the willing.' This

particular strategy stems from a highly influential US response to the 9/11 attacks, and consists of features such as:

- issue based and assembled and dissolved around particular operations and issues,
- crosses traditional party and ideological lines,
- focuses on a specific set of values around a particular issue,
- overarching goal is established by the 'coalition leader,'
- world order is guaranteed by the power of the 'coalition leader' and mutual interest,
- middle and smaller powers have less capacity for influence (RCMP [ES], June 2003: 51)

As a highly politicized strategy, the RCMP's adherence to this mentality has nurtured a, 'world police force that operates on many levels' (RCMP, 2003d: 1-44).[59] This requires numerous strategic practices to detect and suppress organized crime behavior and activity through better communication and information-sharing with global partners. For instance, the RCMP have developed techniques to facilitate strategic planning and intelligence, network integration, inter-agency cooperation, risk and threat assessments and the ability to prioritize resource allocation (RCMP, 2003c: 5).[60] Specific partnerships have also evolved between the RCMP and agencies such as Interpol and extra-national State departments in charge of Security and Defence (RCMP, [ES], June 2002: 9).[61] By defining organized crime as a broad, common enemy, the RCMP's discourse licenses broadly-based partnerships into other law enforcement, military and security agencies throughout the world.[62]

Viewing organized crime as a common enemy evolves from larger discourses concerned with terrorism. In this discursive context, improved government refers to increasingly coercive and harsh rationales, which entangle the notions and roles of law enforcement with newly emerging security measures. As the next section proposes, the effect of coercive thought and action for the RCMP also provides the justificatory

grounds for other forms of improved government, such as preventive and anticipatory techniques, to emerge. In contrast to the reactive techniques emerging from coercive rationales, techniques developed under these lines of reasoning seek to regulate organized crime in proactive ways.

The Rationale of Preventing Organized Crime

The previously described mentality provides the foundation for understanding how the RCMP demonstrates 'improved government' through coercive and security driven mentalities and responses. Conversely, this section examines how the rationality of prevention emerges from this repressive mentality to re-create the rationality of improved government into proactive measures. Preventive forms of reason propose that practices to prevent future violence and terror are valuable to stop harm, violence or destruction before it happens (see Kerr, 2002b: 10-11). This shifts the RCMP aims of government from simply reacting against organized crime, to implementing and promoting preventive measures. This also changes the nature of the international partner from agencies in security and defence, to collaborations with international police agencies, in order to gain broader knowledge about foreign practices and legal systems. The RCMP states the advantages of these types of communions:

> By studying foreign culture and working hand-in-hand with the international police community, we are able to share out experiences with other countries, understand the diverse make up of our own countries here at home, and in the long run, appreciate our differences. (RCMP, 2003d: 2)

In this view, organized crime is not an object to restrain through repressive measures, but an object of continual knowledge, justifying RCMP collaborations to other, international police agencies. The RCMP consider such collaborations to be proactive, in

the sense that they create harmonious relations between police agencies with shared interests in preventing further harm by organized crime (Hamilton, 2003a; 2003c). Perhaps the most commonly referred to technique of government reflecting preventive reasoning is training and educational programs developed and participated in by the RCMP.[63] For instance, international partnerships with other police forces enable the RCMP to learn about specific, diverse cultures:

> ...analyze the American-Mexican borders, international assistance in police officer training in the Baltic States, relationships of police with diverse language and racial groups in Australia, reactions of the Korean people to efforts to institute changes in the formerly paramilitary, and public opinion surveys of police programs and effectiveness in Brazil. (RCMP, 2001e: 7)

Other, less specifically directed responses include collaborations between the RCMP, DFAIT and the Canadian International Development Agency (CIDA) to develop educational programs including the international travel and visits section (Roush, 2003: 26-28) and the role model program. Programs also exist to jointly control organized crime and assist other countries through peacekeeping duties and placing liaison officers overseas (RCMP, 2001e; 2003d; Richards, 2001b: 10-14).

Consequently, the RCMP discursive focus on education and training signifies preventive reasoning and facilitates practices to gather knowledge about organized crime from foreign countries. At the same time, there are potentially overlooked conceptual and practical consequences to this reasoning. For instance, the underlying effect of the 9/11 event as a central instigator to the emergence of preventive reasoning, raises questions about the RCMP's motivation for developing international education and training practices. Rather than merely harmonious relationships developed to share knowledge about organized crime from foreign perspectives, these strategies could also be viewed as

politico-legal strategies maximizing the authority and territory from which the RCMP operate.[64] Similarly, while practices emerging from this reasoning appear to be an improved measure, the discourse only promotes the RCMP version, and rarely relays if these strategies improve other (countries) law enforcement practices. As it stands, one can primarily see the benefits of this strategy from the RCMP point of view, whereas, in contrast, input and experience from international partners is not nearly as common.

Anticipating Organized Crime: The RCMP Focus on 'Emerging Trends'

The final rationale constituting improved government is anticipatory and predictive reasoning. The technique representing this reason is intelligence-based practices, and the international partner is indiscriminately determined in this discursive context, typically taken to mean *any* partner where information-sharing is possible. This leaves an image of intelligence-based measures as being necessary to maintain and improve all sorts of international partnerships (see Williams & Godson, 2002). For the most part, anticipatory reasoning brings a mechanical tone into the discourse, which creates notions of improved government inseparable from the technologies and computerized systems inherent to intelligence-based policing. The advantage of this strategy is considered to reside in its ability to efficiently share information between agencies:

> Rather than reacting solely on a case-by-case basis to the organized crime threat on a street level, the intelligence process means taking a broader view of the national and global situation of organized crime to devise operational plans to dismantle the largest organized crime groups at the source. (RCMP, 2003: 9)

This way, intelligence based policing is a technically-oriented strategy operating through global partners to develop a world-wide information base. Based on the premise

that organized crime is 'always on the lookout for new and exploitable commodities and innovative ways to break the rules' (RCMP, 2003c: 10), intelligence led policing is perceived as an anticipatory measure enabling the foresight to reduce in advance, the potential, harmful impacts of organized crime.

For the RCMP, information has traditionally been (and continues to be) one of the central premises legitimating intelligence-led policing (see Roush, 2002a: 12-14; Hamilton, 2000c: 36-7; RCMP, 2001f). It takes on many functions in the discourse, such as, information-sharing, information-management and informed decision-making, to illustrate the perceived benefits of, 'efficient allocation of resources, informed decision making, and the establishment of operational priorities.'[65] The goal of intelligence-led policing for the RCMP is to know organized crime more transparently and more authoritatively than the object itself.[66] Such objectives are realized as reducing challenges to police through enhancing their capabilities to predict emerging behavior and criminal activity (Legresley, 2003: 36-38). The following argument seeks to examine the rationalization of intelligence-based police procedures in a post-9/11 discursive environment. Specifically, I consider how the RCMP reconceives both the notions of information and organized crime, to simultaneously reorient their views about the nature and utility of intelligence led-policing practices.

In some discursive contexts, the meaning of information is replaced with ideas about a knowledge economy. Whereas information is something to collect, analyze and share between law enforcement agencies, the economy of knowledge broadens the possibilities for information through multiple technical applications, market-influenced

views and links to social, economic and political ideologies. The following points outline the RCMP definition of knowledge economy:

- knowledge management requires information technology (IT) tools,
- knowledge is a primary commodity,
- unprecedented access to information anywhere at anytime,
- a trend towards the democratization of knowledge,
- high velocity and complexity of change,
- support of the knowledge economy depends upon: national, innovative agendas to support the advancement of knowledge (a strategic national asset) and people (primary resources in the knowledge economy) (RCMP [ES], February 2002: 8)[67]

This view of the knowledge economy opens the possibilities for the RCMP to collaborate with multiple and diverse agencies, both nationally and internationally, by conceptually expanding the jurisdictions and places from which the RCMP may gather knowledge. For instance, using the knowledge economy rather than information, expands ways to obtain information about organized crime outside of law enforcement and into social, political and economic fields. This indicates how the 9/11 effect has altered the meaning of information specifically, and intelligence-led policing generally, to accommodate the multiple political and legal agendas permeating the RCMP discourse. Specifically, by broadening the practical and conceptual implications of information to knowledge economy, significantly diversifies the channels from which the RCMP thinks about and responds to organized crime. Thus, while the function of intelligence-led policing itself does not change, transforming the meaning and potential applications of this technique expands the fields from which the RCMP can access knowledge.

The application of this so-called knowledge economy to anticipatory measures such as intelligence-led policing also depends on flexible representations of organized crime to accommodate the multiple agendas operating around this newly reconceived practice. The effect is the production of, and reliance on, the malleable and contingent

discursive construct of emerging trends to represent organized crime. Specifically designated emerging trends, for the RCMP, include, ports, synthetic drugs, white collar crime, environmental crime, human trafficking and diamonds' (Gerofsky, 2003b: 10-12). Focus on the emerging trends of organized crime complements visions of this newly formulated practice by equally expanding the contexts and concepts by which organized crime is defined. The paradoxical effect of changing the meanings associated with this technology, however, is that it also broadens and diversifies the ways for police to *not know* organized crime. For instance, while it might benefit the RCMP to gather more resources or justify further strategies of government; ideas about a knowledge economy also multiply pervasive images of organized crime, and minimize absolute or fixed definitions.

CONCLUSION

The RCMP discourse depends largely on the notions of partners to illustrate the perceived changes and improvements in organized crime regulation. The first notion of partner was the external partner and demonstrated how and why the RCMP requires assistance. Under the pretext that organized crime is evolving into increasingly specialized and sophisticated activities, the RCMP require external partners to catch-up to these perceived challenges. This way, the external partner is the means to access and gain specialty knowledge outside of a police context. As well, external partnerships are typically localized, discrete and emerge in a national context. Conversely, the concept of partner under the rationality of improvement is international, which broadens the jurisdiction from which the RCMP can enforce organized crime. This particular rationality implies the RCMP have caught up to organized crime and are now on equal

footing to prevent and even anticipate future organized crime actions and behaviors. Due to the multiple, smaller rationales constituting this rationality, the nature of the international partner varies from coercively inspired partnerships with security/defence agencies to more harmonious collaborations, such as international educational programs. The success of the improving rationality requires and derives from the external partner relations developed under the rubric of assistance, which the RCMP draw from to legitimate the expansion of such collaborations onto the international field.

Definitions of organized crime emerging from these two primary rationalities vary dramatically and are often contingent upon the partnership at hand. For instance, definitions range from limited and discrete depictions of tax evasion, to broad and ambiguous definitions such as common enemy. Additionally, the smaller rationales constituting the larger rationalities of assistance and improvement also vacillate between technical/ managerial, preventive/ anticipatory and moral/ political/ coercive. Although there is no singular consistency to thought and action in the discourse, the wide range of viewpoints and techniques of government indicate a strategic calculation on the part of the RCMP to extend authority into diverse and multiple sites at national and international levels. The consequence is a regime of regulation, including law enforcement and security agencies, external/specialized partners and government departments, all included under the multiple definitions of organized crime provided by the RCMP. This proliferation of power results in not only alternative channels for authority to disseminate and operate (see Valverde, 1996; Dean 2002), but changes the form and visibility of control by drawing from unconventional partners, techniques and practices.

Chapter Five examines the Criminal Intelligence Service of Canada (CISC) discourses on organized crime by analyzing seven of their Annual Reports on Organized crime (1997 to 2003). This particular discourse varies from the Committee Hearings and RCMP discourses in that the Annual Reports themselves represent a technology of government. As a result, I focus on how CISC orders (arranges) its discourse into a comprehensible grid of interpretation by deploying discourses that are structured by rigid sections and categories of the report. Furthermore, I examine the more specific rhetorical mechanisms operating in the subject matter constituting categories of knowledge. Here, the focus of my analysis shifts to explore the ways CISC uses rhetorical strategies to define, rationalize and respond to organized crime.

NOTES FOR CHAPTER FOUR

[1] This will be further elaborated throughout the remainder of the chapter.
[2] These reports/contracts are fulfilled under their *Research and Evaluation Branch.*
[3] The term discourse infrastructure is used by Whitmer in a discussion about the military (1999: 10-11).
[4] See, for instance, the RCMP Performance Report for an outline and overview of this (2003f). See also Steele for a comprehensive overview highlights about RCMP plans, priorities and expected results for 2002/03 (2002: 7-9).
[5] See RCMP (2000b: 10-14) and RCMP (2003e) for more detail on this national strategy. This initiative was developed in 1999 due to a perceived increase in the scope and threat of organized crime presented to Canada and the limitations of the RCMPs commodity-based approach. Its new approach to organized crime is characterized by coordination across various RCMP federal enforcement programs; emphasis on strategic planning and intelligence; and a refocus to organized crime groups and not commodities.
[6] See RCMP (2001c). The Criminal Intelligence Directorate (CID) was formed in 1991 to centralize and coordinate the RCMP criminal intelligence function by providing a national program for the management of information/intelligence which will permit the RCMP to detect and prevent crime have an organized, serious or national security dimension in Canada or internationally (RCMP, 1998). For a discussion on the CIDs role in recently developed diamond profiling techniques see RCMP, 2002c.
[7] The customs and excise section work hand-in-hand with the private sector (i.e., stores dealing with liquor, jewelry, cigarettes) to address the smuggling and distribution of contraband products, through the *Customs Act, Excise Act* and *Export/Import Act.* For information on the training received by RCMP officers to become customs and excise investigators, see (RCMP 2000b: 34-35).
[8] The RCMP Immigration and Passport (I&P) Program is responsible for investigating violations of the *Immigration Act*, *Citizenship Act* and the *Criminal Code of Canada* in relation to citizenship offences, Canadian passport offences, frauds, forgeries and conspiracies (RCMP 2002a: 28).
[9] The police training assistance program (also known as international training and peacekeeping program) provides police training to foreign countries under the authority of the Solicitor General of Canada Ministerial Directive D-81-1. The aim of this program is to provide educational opportunities to personnel in the international police community to increase their productivity and effectiveness. For a variety of different case studies of the RCMP role and function in foreign countries, see RCMP, 2001c; 2001d; and RCMP 2003c.
[10] For an overview of the Drug Enforcement Branch [DEB], see RCMP 2003b. For an idea of the types of crimes dealt with through the DEB, see also RCMP, 2002b, Roush (2001b: 22-23), and Desroches (2001: 28-30).
[11] The CFSEU is an integrated joint forces unit composed of members of the Toronto Police Service, Ontario Provincial Police, York Regional Police, Peel Regional Police Service, RCMP, Citizenship and Immigration Canada and the Criminal Intelligence Service of Ontario. Its mandate is to undertake project style, investigations that target organized crime groups that present a high-risk to Canada (RCMP, 2000b: 19-22).
[12] Integrated Proceeds of Crime Units (IPOCs) are to intensify and make more efficient and effective the investigation and prosecution of major organized criminal and crime groups operating in Canada, primarily through proceeds of crime seizures, forfeitures and associated penalties (RCMP, 2003: 11).
[13] See, for instance, Dubois (2002) who analyzed media coverage of organized crime and the impact on public opinion for the RCMP.
[14] See Hamilton who discusses the impact of organized crime on vulnerable groups (2000e: 14-18). See also Nicolle for a discussion about what the RCMP does to help and support victims of organized crime (2003c: 29). These themes are reiterated throughout the RCMP discourse over the period of analysis.
[15] For an elaboration on official responses to organized crime in Canada, see Beare (1996, 2000).
[16] See Jones and Newburn (2002) for a discussion about transformations in policing; see also Loader and Walker (2001) for a discussion about the re-coupling of the police to the State as a means to offer security.
[17] In the 2002-2003 RCMP (Departmental) Performance Report (RCMP, 2003f): the goal of the RCMP towards organized crime is to disrupt and dismantle, both nationally and internationally.
[18] Despite the large majority of the RCMP discourse dedicated to delineating the innovative changes, changes are contradicted by loyal and conventional ways of thinking about organized crime. For instance, Wall argues that, "on the one hand, they appear to have the capacity to respond quickly at an organizational

level by setting up specialist units. However on the other hand public policing practices have traditionally been molded by the time-honored traditions of policing and cannot respond to such rapid change." (Wall, 1997: 226)

[19] For examples of different, explicit partnerships by the RCMP, see: Zanin (2001b); Brian (2002); DesRoches (2001); Department of Justice Canada (DJC) (1999a, 1999b, 1999c, 2000a, 2000b); Gerofsky (2003a); Hamilton (2000a, 2000b, 2003a). For an academic account, see Jones & Newburn (2002) and King & Ray (2000).

[20] See Chan (2001) who argues that police do not necessarily follow a neo-liberal framework even though features such as centralized control and risk management are increasingly prevalent in police discourses.

[21] See also Jones (2000) for a discussion about at-a-distance monitoring.

[22] The external partners developing integrated policing strategies often occur by secondments and exchanges, within and between a number of public and private agencies, and at the national and international level (RCMP [ES], June 2003: 62; RCMP, 2003e: 36).

[23] See the Government of Canada (GOC) for an overview of what FINTRAC consists of and how it is useful in the context of organized crime (2002).

[24] There are numerous other references to relationships with specific banks, etc., however I have highlighted the highest-profile and most recurrent partnerships and affiliations in the discourse. For more information from a RCMP perspective, see (RCMP, 1999a, 1999b, 2000b & 2003e). See also Beare & Naylor for a Canadian interpretation of policing illicit profit in, Major *Issues Relating to Organized Crime within the Context of Economic Relationships* (1999).

[25] See FINTRAC Annual Report (GOC, 2002) In addition, most banks (including the Canadian Bankers Association) in Canada have some form of agreement and relationship with the RCMP. Correspondently, in approximately the last decade, the RCMP have developed units such as 13 Integrated Proceeds of Crime Units in 1997, as well as a centralized Financial Crimes section, which has recently established International Market Enforcement Teams (IMETs) in Toronto, Vancouver, Montreal and Calgary to counter the most serious frauds and market corruption (RCMP, 2003a: 11).

[26] In Lyman & Potter (2000: 477-78).

[27] See Porteous, (1998: 20).

[28] Previously known as the Canada Customs and Revenue Agency (CCRA), this government department has now split into the revenue side (CRA) and the customs side (Canadian Borders Services Agency [CBSA]).

[29] Using taxation to govern organized crime is not necessarily a new tactic, but is consistently employed by police. For more information on the history of tax evasion and taxation policies, see Woodiwiss (2001).

[30] In this discussion nation refers to Canada.

[31] See also Sheptycki (2003: 125-131; in Beare, 2003) for an interesting interpretation about how immigration is discursively connected to the term transnational organized crime.

[32] See Valier (2003) for a theoretical discussion on foreigners and migration.

[33] This quote is from Nicaso, an author, borrowed by the RCMP (2000b:18).

[34] See, for instance, Spencer (2003) for discussions on migration policies and immigration reform since September 11, 2001.

[35] The Department of Foreign Affairs developed its own National Security Committee after 9/11 (RCMP, 2001a: 3). A Memorandum of Understanding (MOU) also exists between the RCMP, CIC and Department of Foreign affairs allows collaborative governing of, "illegal migrant smuggling and fraudulent documents." This is in addition to three other shared priorities between the three agencies: combating organized crime and terrorism; deterring unscrupulous activity by immigration consultants and advisors; and timely intelligence gathering and sharing (RCMP, 2001c: 16; RCMP [ES], June 2003).

[36] The Canadian Border Services Agency (CBSA) was previously the customs component of the CCRA (see CBSA, 2004).

[37] For example, a Memorandum Of Understanding (MOU) between the RCMP and CIC, makes the RCMP the "criminal enforcement arm of CIC, responsible for investigating violations against the Immigration act, Citizenship act, Canadian passport order and Criminal Code" (RCMP, 2003b: 48-9; RCMP, 2001d: 19). For more information on the CIC and its role with the RCMP, see (RCMP [ES], June 2003: 22-30).

[38] For instance, the Customs and Excise program stresses cooperation between the CCRA, DFAIT and the RCMP to combat the smuggling of tobacco, jewelry, liquor, firearms, computer chips, and any other type of commodity (see RCMP 2000a, 2003d: 10). Similarly, to govern human smuggling the RCMP works in

conjunction with the CIC through the RCMPs Immigration Operation Center to govern organized crime primarily through the Immigration and Refugee Protection Act (see RCMP 2002a: 28; 2000b: 6). Other programs include the Contraband and Intelligence Service Directorate within the previously known CCRA (now divided into the CRA and CBSA) (RCMP, 2002f: 12); Airport enforcement teams (police and Canada customs agents (see RCMP, 2002d), the Coastal Watch Program and Coordinated Waterfront Units (RCMP and CCRA) (RCMP, 2000b).

[39] Particularly at the Canada-US border emerge techniques such as Integrated Border and Marine Enforcement teams (IBETs and IMETs), Integrated national security enforcement teams (INSETs), joint enforcement coordination targeting the freezing of assets, enhancing the inter-operability of fingerprint technology, and better integrating our threat assessment and intelligence-sharing capabilities (see RCMP, 2001f).

[40] A program between the RCMP and CIC, the Criminal Visa Screening Team, conducts visitor visa applications and immigration investigations (RCMP, 2000b: 21). Also, INSETs (International National Security Enforcement Teams) were designed post-9/11 to track down missing documents and deal with outstanding warrants of national security interests, and consist of partnerships between the RCMP and CIC through Passport Programs and Immigrant and Passport Sections in Vancouver, Montreal and Toronto (see SGC, 2002; 2003).

[41] This particular comment is made by Louise Shelly, Director of the Transnational Crime and Corruption Center (RCMP [ES], June 2003: 110). However, the theme of organized crime as global and acting without borders is a predominantly recurrent theme in almost all of the RCMP documents.

[42] See Dishman, who argues that todays terrorist groups have transformed into transnational criminal organizations (TCO) who are more interested in profits than profit (2001: 43).

[43] See Brock (1989) and Taylor (1985) for early writings on the idea of narco-terrorism in an American context.

[44] There are many references to the organized crime-terrorist merger in the discourse, however, see (RCMP [ES], June 2002: 81, 100; RCMP [ES], June 2003:105, 117; RCMP, 2003c: 6; and SGC, 2002:.3). Also, for an academic account see Shelley (2002: 85-92).

[45] See Building on a Legacy (RCMP, 2003a).

[46] See Baudrillard (2003) and Virilio (2003) for interesting theoretical responses to the 9/11 terrorist attacks in the United States.

[47] See Viano (1999) for a discussion about organized crime in a national security context.

[48] The 9/11 attacks also changed internal policies for the RCMP. For instance, "Prior to September 11, the national security program within the RCMP was, for the most part, isolated from mainstream law enforcement. After 9/11 many of the tangible and intangible barriers were taken down. This has facilitated partnership building internally and externally" (RCMP, 2002a: 2). National security threat, or public security threat, is also used to demonstrate the harmful impact 9/11 had on Canadians: "the impact if 9/11 on Canadas ethnic communities brings to attention this new threat environment…"(LCC, 2002: 1; RCMP [ES], June 2002: 100).

[49] Specific numbers include: "the RCMP received $576 million under this new budget…$59 million to deal immediately with threats to national security" (RCMP, 2002a: 2).

[50] In a statement put forth by the Law Commission of Canada, commenting upon the regulatory changes since September 11 (LCC, 2002).

[51] The many departments weighing threats include: the Department of National Defence, the RCMP, CSIC, Health Canada, and the Office of Critical Infrastructure Protection and Emergency Preparedness. (In the Ottawa Citizen A14 Monday, February 17, 2003.)

[52] Especially around the Canada-U.S border, parallel agencies in the United States are involved in these governing practices. These include the U.S. Department of Justice, the FBI, the Drug Enforcement Administration, US Border Patrol, the Immigration and Naturalization Service, the Bureau of Alcohol, Tobacco and Firearms and US Customs, amongst others (RCMP, 2003a: 4; RCMP, 2003c: 3-4; RCMP, 2002a: 3; RCMP, 2002c: 6; SGC, 2002).

[53] For examples of these partnerships, see: (RCMP, 2001a; RCMP, 2002a; RCMP, 2003; RCMP, 2003b; RCMP, 2003c; RCMP, 2003e; SGC, 2001; SGC, 2003).

[54] See (RCMP, 2001e), for a debate about human security versus national security in the context of Canada-U.S. differences in security approaches. See also (RCMP [ES], March 2001: 12).
[55] See Viano (1999) for a discussion about organized crime in a national security context.
[56] See, for instance, Leppa (1999) whom discerns between the anticipatory and preventive modes of police control.
[57] A RCMP superintendent quoted in the article, *Shutting Down crime that pays: The RCMPs intelligent approach to organized crime* (Nicolle, 2003b: 9)
[58] This theme is heavily reiterated in the discourse, however, for see (RCMP [ES], February 2002: 8; RCMP [ES], June 2002: 99; RCMP [ES], June 2003: 49, 134; RCMP, 2003e: 38; and, RCMP, 2003a: 6), for an overview of this particular issue.
[59] For the Commissioners perspective, see interviews with Commissioner Zaccardelli regarding international policing (Richards, 2000c: 6; Zanin, 2001: 6-7).
[60] For other examples, see (RCMP 2003a: 2; RCMP [ES], June 2001, June 2002, June 2003).
[61] See also (RCMP, 2003e: 14-17) for an elaboration on this point.
[62] However, a large emphasis on international partners involved with security/defence is agencies, institutions and departments from both the United States and Europe.
[63] For examples of this, see MacDougall (2001: 3-6) for RCMP collaborations with European police forces; and Hamilton (2003b: 30-33) for RCMP assistance in Northern Ireland.
[64] This is not to say the RCMP are initiating this system of compliance, only that they are discursively participating in it.
[65] The benefits of organized crime are recurrent throughout most RCMP-authored publications. For the most detailed examinations, see the RCMP Environmental Scans between the years 2001 and 2003.
[66] By knowing organized crime, this usually refers to information and intelligence-based procedures, which will be discussed in the next chapter. For examples of police reliance on this technique see, (RCMP 2003c; 2003d; 2001b).
[67] This idea is also reiterate in (RCMP [ES], June 2002; RCMP [ES], June 2003).

CHAPTER FIVE

THE CISC DISCOURSE: INTERPRETING ORGANIZED CRIME THROUGH THE *ANNUAL REPORTS*

Unlike the RCMP and Committee Hearing discourses, the CISC's Annual Reports on Organized Crime used for this analysis reflect a unique governmentality. These reports combine and are meant to serve as a clearinghouse on matters of security. They condense information about organized crime from municipal, provincial and federal police agencies across Canada, to construct a grid of interpretable depictions of organized crime in the form of reports. Information from law enforcement is systematically organized and displayed as prescribed and categorical representations of organized crime. The following chapter challenges CISC assumptions that organized crime is a discrete entity that exists in Canadian society, but rather a product of this institutions thought and practice to govern this phenomenon. This requires analyzing the process of knowledge selection and representation reflecting CISC's institutional views about organized crime. My particular concern is analyzing the discursive processes embedded in depictions and representations of organized crime from an institution responsible for intelligence-sharing and management. Since they are meant to synthesize law enforcement thinking and offer best practice responses to matters of organized crime, the reports institutional function makes them quite different from the two previously analyzed discourses. Thus, the following discussion focuses on the rhetorical strategies used to constitute CISC's institutionally influential representations of organized crime. These rhetorical strategies influence assumptions about organized crime and allow CISC to envisage how best to respond. Before I examine this discourse, however, I introduce the materials used for analysis and the institutional function of CISC as it relates to organized crime.

Background: The Annual Reports and CISC's Institutional Function

The following analysis examines seven Annual Reports on Organized crime published by CISC from 1997 to 2003. These reports are CISC's primary technique for relaying knowledge about organized crime to audiences across Canada and beyond. Each report contains a wide range of information from law enforcement, government departments to assorted other sources.[1] The magnitude of external sources (including law enforcement) in this discourse indicates the CISC reliance upon such agencies to inform, guide, support and validate knowledge produced. I will focus on the period of 1997 to 2003 because it provides a timeframe consistent with the previous RCMP discourse. It also provides a broad enough period to analyze the ways CISC thinks about, deciphers and perceives the changes in the governance of organized crime. These factors indicate how CISC selects, privileges, interprets and reports on organized crime to the wider audience it seeks to inform.

The Annual Reports depend on information shared and received from law enforcement agencies across Canada. Information moves from municipal, provincial and federal police, to local intelligence sites, the CISC Provincial Bureaus and finally to the Central Bureau if information is considered relevant to organized crime. At all stages, analysts assess, manipulate and reevaluate information to produce intelligence about organized crime. Finally, if the CISC Central Bureau considers information relevant to enforcement practices, it disseminates intelligence back to law enforcement agencies to enhance enforcement practices.

Information gathering and sharing is the central rationality informing and legitimating a number of functions for the CISC Central Bureau. It determines the cycle

of treatment, documentation and passage of information within and between law enforcement agencies. It stores, analyzes, reconfigures and transforms information through increasingly complex, sophisticated computerized systems and databases.[2] It sets levels of access to monitor who enters databases and views secure data.[3] Finally, it disseminates relevant or appropriate intelligence back to law enforcement agencies. Here, information-sharing becomes a technique of government because law enforcement users are required to adhere to guidelines on how to react to organized crime established by CISC.[4] Thus, CISC's definitions of organized crime are consequential.

The CISC discourse construes intelligence to be an effective targeting mechanism; a preventive device to detect organized crime at the earliest stages possible; a facilitator and coordinator of information from law enforcement partners; and, a source of timely communication between intelligence and police agencies.[5] In the discourse, CISC sees its primary function as uniting (through information) the criminal intelligence units of Canadian law enforcement agencies and assist in the process of, 'detecting, reducing and preventing organized and serious crime affecting Canada' (CISC, 2003). According to Sheptycki, where CISC is involved in governing organized crime, revolves around the manufacture of strategic intelligence assessments to set and establish priorities, and develop operational definitions of terms for measuring the relative threat of organized crime groups (2003a: 491, 493).[6] Thus, measuring the success of CISC as an institution depends on efficient sharing of information between CISC and police forces in Canada, and accurate definitions of organized crime. Given the prominence accorded to these two objectives, the Annual Reports are a consequential aspect, and product of, CISC's overall governmentality. Furthermore, how organized crime comes to be defined in the reports is

highly significant, given its influence and circulation. The next section, therefore, examines how information gathered and analyzed by CISC translates into knowledge to represent organized crime in the Annual Reports.

THE CISC DISCOURSE ON ORGANIZED CRIME

The following analysis examines the CISC discourse in two ways. In the first section, I briefly examine how the 'Introductions' of each report produce a discursive space for CISC to establish its credibility and authority as a regulatory institution and opponent to organized crime. The remainder of the analysis considers how representations of organized crime are fashioned by: 1) the ordering of the discourse and, 2) conceptual images used to represent organized crime in the descriptive content. Rhetorical strategies used to order the discourse create three primary rationalities: the criminal organization, the criminal activity, and the prioritization of organized crime. Conversely, rhetorical strategies embedded in the conceptual and descriptive content produce discrete, isolated depictions of organized crime. Taken together, discrete depictions interrelate to produce the appearance of authentic representations of organized crime to validate and support each rationality of government.

Ordering the Discourse: Introducing the Relationship of Organized Crime and CISC through 'Opening Remarks'

The introductions of each report consist of messages from the current Chairs and Directors of CISC. Although very brief compared to the remainder of the reports, these messages are essential in demonstrating three primary views CISC has about organized crime. First, CISC displays their expert knowledge about organized crime by making direct claims regarding criminal behaviors, criminal activities, criminal objectives, law enforcement responses, and so forth. Second, CISC draws from this knowledge to build

an image of their institution as credible. Finally, in light of images of both organized crime and the institution, CISC describes its intentions to increase public safety through the reports, by providing a source of awareness to the persons and institutions considered at risk to organized crime.

Appealing to the fear of the audience is one rhetorical strategy used in opening remarks to demonstrate CISC's knowledge about organized crime. Both messages from the Director and Chair deploy metaphoric depictions of organized crime to invoke particularly undesirable images. These broad definitions serve as the foundation for understanding organized crime and the remainder of the reports builds upon these. In all seven reports, certain depictions persist. Organized crime is seen as:

- seeking wealth and power,
- dangerous and violent,
- capable of profound economic, personal and social harms,
- complex, pervasive and insulated,
- stable, continuous and cohesive,
- mobile and operate in certain geographical areas,
- technologically advanced, specialized and sophisticated,
- operates on a global level (CISC, 1998-2002)

What is important to protract from this miscellany of definitions is the primary, integral assumption that organized crime is a discrete body, separated and differentiated from social, legal and political domains by the multiple harms they are presumed to inflict. For instance, organized crime seeks wealth, but through dangerous and violent means. Organized crime is also said to be technologically diverse, specialized and mobile, but acts these ways for criminal, rather than legitimate, goals and objectives. Furthermore, playing off organized crimes potentially socio-economically harmful capabilities helps to legitimize and justify CISC role as a regulatory agency. The agency

declares credibility by claiming to be leading the way in combating organized crime. It alleges to do so, moreover, by facilitating integrated law enforcement practices. It presents itself as the champion of sharing intelligence and dedicated to sharing criminal intelligence among law enforcement agencies in Canada (CISC, 1998-2001, 2003).

Concentrated emphasis on the complex, insidious and pervasive ways organized crime avoids socio-legal attention and detection, is a tactic whereby the agency enlists the audience as a CISC assistant in governing organized crime (CISC, 2001). Here, the discourse alludes to the public as an important weapon that is well situated to detect and deter organized crime in a way that law enforcement cannot (CISC, 2002). The public is also a concept used to show how CISC can protect those vulnerable to organized crime. This benevolence is reinforced through oaths, which promise to provide the public with 'current, relevant information on key organized crime groups and issues across the country' (CISC, 2003: iii).[7] This creates the reports as a site of enforcement through which CISC disseminates authority and a medium from which organized crime becomes visible and interpretable.

The 'Body' of the Reports: Making Organized Crime Explicit

The CISC introductions intentionally provide an assumptive foundation from which the body of the reports develops. In particular, complex rhetorical techniques are used in the body of the report to expand the assumptions into three distinct rationalities for governing organized crime; namely, the criminal organization, the criminal activity, and the prioritization of organized crime. Each rationality uses rhetorical strategies to name, divide, and separate the discourse into a logical order that appears authentic from the definitions in the descriptive content.

First, there is a rationality that is criminal organization, and it outlays the distinctive forms of organized crime as they are presumed to exist in Canadian society. Through a process of singular, categorical representations, depictions of organized crime emerging from this rationality emphasize the human dimension of organized crime. Each criminal organization contains descriptive content, which develops a character or style to organized crime through vivid descriptions of characteristic features and attributes. As discussed below, once these categories are in place, rhetorical strategies that use analogies and comparison, further solidify the boundaries of this reasoning by creating similarities and differences between groups.

The second rationality involves a focus on criminal activity and so inverts a focus from the criminal organization. Here, criminal activity is used to illustrate and emphasize how organized crime causes material and personal harms. It further breaks down into the sub-rationales of monitored issues and emerging trends, to depict harm in different discursive contexts. The third rationality prioritizes organized crime, and constructs a logical connection between the rationalities of criminal organization and criminal activity, usually by implying a cause-effect relationship.

Rationalizing 'Criminal Organizations:' Underscoring the 'Human Dimension'

The discourse constitutes a rationality of criminal organization through three main rhetorical strategies. The first names organized crime by dividing it into discrete criminal organizations through specifying distinguishing factors such as race and nationality.The second rhetorical strategy implies a character or style to each criminal organization through descriptive content. The amplification of descriptive content occurs by extracting important points and situating them into summaries at the beginning and end of each

section of criminal organization. The final product ends up by providing categories of organized crime knowledge, ordered by what is essential (the criminal organization) and by what is simply characteristic (descriptive content). But what rhetorical strategies does the CISC discourse employ to sustain its criminal organization categories?

The chief rhetorical devices involve naming and defining organizations as absolute entities whose distinguishing features are nationality or race. Thus, we are told that diverse criminal organizations exist; such as Asian Organized Crime (AOC), Traditional Organized Crime (TOC), East European Organized Crime (EEOC) and Outlaw Motorcycle Gangs (OMGs). Further differentiations that effectively support these larger, discrete representations, are detailed. For instance, TOC is broken down into the Sicilian Mafia and the Ndrangheta;[8] while AOC consists of Vietnamese or Chinese members originating from either South China or Canadian-born (CISC, 1998: 7). Specifying EEOC's heritage occurs through reference to its 'highly established connections' to international criminal counterparts in Eastern Europe (CISC, 1999), while OMGs are presumed to originate from the United States (Quinn, 2001; Thompson, 1995).

The idea of the criminal organization is developed further in the discourse by defining these divisions through descriptive content sections in the report. These discussions detail the so-called character of each criminal organization. The character is said to involve criminal activities, criminal methods deployed, group structures, and geographical locations and police responses, unique to each group. AOC's signature crimes, for instance, include robberies, violence (including murder), extortion, fraud, drug importation and smuggling offences (CISC, 1998: 5).[9] In contrast, perceptions of EEOC's involvement in criminal activity centers on international drug-trafficking and

money laundering, while TOC is presumed to be most active in illegal gambling and large-scale fraud to profit (CISC, 1999).[10]

Descriptive devices also delineate what criminal techniques are deemed unique to each group. To illustrate the evasion of law enforcement to drug smuggling techniques, AOC criminal methods are described as, body packing less than 5kg of heroin to evade detection (CISC, 1999: 7). Evading law enforcement for OMGs is said to entail escaping police detection by taking advantage of wireless devices and encryption protocols to protect information and communications (CISC, 2003: 12). Another method to develop the character of the criminal organization centers on identifying the geographical locations where groups most frequently operate. For instance, CISC indicates Alberta to be the 'growing center' for AOC because of the province's 'economic boom' and growing Asian populations in Edmonton and Calgary (1998: 6). Conversely, EEOC groups are presumed to be most active in the larger urban centers of Ontario, Quebec and British Columbia (CISC, 2002: 8).

Describing the different styles of group organization is a final way to define this supposed character. The CISC suggests that EEOC has varying degrees of organization and sophistication (2001: 24), while OMGs are said to be the most powerful, well-organized and violent criminal organizations in Canada. The Hells Angels are specifically singled out as representing the most highly organized OMG group, with 34 chapters across the country (CISC, 2003: 12-13)[11]. Finally, descriptions of best-practice police responses are numerous in the discourse and typically correspond to the identifying features listed above and the geographical location where the criminal activity occurs.[12]

Descriptive content is amplified in the discourse by extracting the most important information and placing it into summaries. These summaries are rhetorical techniques that amplify the most important points in succinct addresses and state the differences in the presumed character/style of each group. Specifically, highlights sections introduce each discussion, while outlooks sections conclude the ideas about a given criminal organization. Highlights summaries draw attention to CISC viewpoints in advance of the descriptive content. They typically stress how organized crime continues to produce harm, by highlighting the adverse features of organized crime. Specific focus lands on descriptions of how organized crime expands into new and/or more dangerous criminal activities, has increased number of members joining, and continues to act in dangerous and evasive ways. CISC contends, for instance, that EEOC exploits technology in order to extend their criminal profits; and, OMGs continue their violence in Quebec over the protection and expansion of drug trafficking networks (CISC, 2002: 9, 18). Similarly, AOC is represented as being extensively involved in the large-scale manufacture and distribution of counterfeit credit cards, software and electronic entertainment DVDs; while, a Montreal-based Sicilian crime family is presumed to expand its influence throughout Canadian Italian-based criminal community and maintains connections with other crime groups to facilitate joint criminal endeavors (CISC, 2002: 14, 16). As a strategic discursive mechanism, the highlights summaries bring organized crime's undesirable qualities to the forefront of the audience's attention by illustrating harmful behaviors and actions. This leaves CISC preconceived notions about organized crime in a displaced discursive context, situated at the beginning of each criminal organization section.

Outlooks sections are concluding summaries situated at the end of each discussion. They differ from the highlights passages in that they predict future patterns of criminal activity and behavior. These summaries emphasize depictions of organized crime attesting to their well-established presence in society and demonstrated expertise in criminal activity. Drawing from assumptions and knowledge in the descriptive content allows the discourse, for instance, to predict increasing scales of criminality. CISC predicts AOC to remain a challenge to police operations, since they continue to function as tightly knit groups (1999: 11). Assault and intimidation are perceived to be the tools used by OMGs that will not change in the near future (1999: 14). Moreover, EEOC is depicted as increasing its involvement in the smuggling of consumer goods, particularly luxury automobiles (1999: 16),[13] while TOC is defined as continuing to expand in the Western provinces (1999: 21). Outlooks summaries thus suggest future criminal activity. They reaffirm assumptions made in highlights summaries and descriptive content, in order to extend these assumptions into predictive accounts of future behavior based on such descriptors as violence, wealth, diversity in criminal activity, changing group structures, and so forth.

Rhetorical strategies order organized crime knowledge by naming and dividing knowledge according to race and nationality. They also generate descriptive content to reinforce these divisions, and proposing that each criminal organization has a discrete character. This creates categories of criminal organizations and these are further entrenched in the discourse when comparisons are used to contrast each criminal organization.

Perhaps the most recurrent analogy in the discourse produces similarities between criminal groups by declaring their shared motivation to profit. For instance, TOC is depicted as maintaining close ties with Asian, East-European, OMGs, Columbian and other South American groups to, 'participate in joint criminal ventures in the pursuit of mutual profit' (CISC, 2001: 27). Analogies often create relationships between groups to imply that networking enables a more efficient system of crime. For instance, Aboriginal Organized Crime (ABOC) is described as playing a supporting role to other criminal groups, particularly the Hell's Angels and AOC, to sell and distribute drugs (CISC, 2003: 13).[14] Finally, depicting parallels between Canadian criminal organizations and their international counterparts furthers the notion of alliances. For instance, EEOC is considered to have significant international connections to the Former Soviet Union, European Union and U.S. (CISC, 1998). Canadian criminal organizations are defined, generally, as working with syndicates all around the world in countries as diverse as Iran, India, the Peoples Republic of China, Sri Lanka, Pakistan, Hong Kong, Thailand, Nigeria, Brazil and the U.S. (CISC, 2003: 8)

While analogies link criminal organizations through perceived similarities, comparisons reinforce the discrete character of each group by differentiating them through noted differences. For instance, OMGs are distinguished from Italian-based organizations (TOC) by comparing how they act in public situations: 'unlike OMGs, TOC groups do not wish to create or maintain a high public profile' (CISC, 2002: 17).[15] The most common way criminal organizations are compared, however, is by differences in criminal activities. For instance, comparing EEOC to other criminal organizations

involves: 'unlike other groups who have been observed to participate in either violence or commodities smuggling, EEOC are extensively involved in both activities' (2002: 15).

Although not as common as comparisons based on criminal activities and shared motivations, the CISC discourse also compares symbols (unique features) to demarcate character differences between groups. In a discussion about AOC, for example, they are said to differ from other groups based on their 'linguistic diversity' (1999: 11). EEOC is considered unique by the way it 'adeptly' disguises and insulates illegitimate activities through the use of legitimate business ventures (2003: 8); while a Sicilian organization (TOC) in Montreal is described as one of the most 'influential and powerful' criminal organizations. CISC also depicts the Hells Angels to be extremely 'sophisticated' in their use of counter-surveillance and intelligence gathering (2001: 31).[16] Thus, symbols are prescribed attributes or qualities used by CISC to draw attention to the aspects of criminal organizations presumed to make them distinctive from each other. By emphasizing qualities such as resourcefulness, power, influence or linguistic diversities, this furthers ideas that each criminal organization has a specific character. In the discourse, these symbolic features are largely embedded, however, while a much larger emphasis is placed on the criminal dimensions of organized crime.

Altogether, the CISC discourse thus enunciates a rationality of criminal organization through rhetorical mechanisms that name, divide, and categorize knowledge. Here, a seeming human dimension becomes a central focus, and licences the emphasis on criminal activities, geographical location, motives, and so forth. The combination of descriptive content, summaries, and analogies/comparisons operate concurrently in the discourse to legitimize categories of knowledge and produce specific definitions of

organized crime. All in all, this creates an impressive interpretive strategy to understand the human dimension of organized crime. However, the abundance of information facilitating and sustaining these categories and definitions are but part of the discourse. The rationality of criminal activity complements, supports and reinforces the human dimension of organized crime by depicting the latter harms people.

The Rationality of 'Criminal Activity'

The rationality of criminal activity closely relates to the rationality of criminal organization. It differs from discussions surrounding criminal organizations, however, by depicting the personal and material harms that result from criminal activities. Representing the rationality of criminal activity in the discourse occurs by focusing attention on criminal activities designated as: either monitored issues or emerging trends. Monitored issues are supposed to represent signature criminal activities that organized crime is said to continually be active in and which maintain certain, specific harms. Underlying this rationale is an image of organized crime as a criminally well-established phenomenon in Canadian society. It is also presumed to maintain the long-standing threat and harm that it has come to be identified as. Typically, monitored issues include commodity smuggling (firearms, alcohol, and tobacco), the illicit drug trade, and the sexual exploitation of children. CISC demonstrates the severity of monitored issues in the discourse, by calling upon testimonies from experts and witnesses to provide evidence and reify the types of harm created through these criminal activities.

On the other hand, the discourse speaks of emerging issues that promote the idea that organized crime is flexible and adaptable, and has the capacity to evolve into new crimes, markets, territories and so forth. These crimes typically emphasize the changing

nature and venues for harm, and are represented by crimes involving the Internet, technology, diamonds, and smuggling at Marine Ports. The arrangement of the discourse creates this image of criminal activity by placing monitored issues before emerging trends in the texts. This assumes that organized crime is a stable entity that has some emerging issues. Thus, while monitoring issues usefully confirm organized crime to be a well-entrenched and commonplace feature in society, emerging issues extend and perpetuate this image by demonstrating the changing nature of organized crime. Testimonies in the form of precedents, laws, cases, and so forth, are entrenched in this discursive context to represent criminal activities that imply emerging trends, and foster changing and adaptable views of organized crime. The next two sections explore the ways CISC illustrates harm in these two contexts of criminal activity, in more detail.

'Monitoring Issues' and the Creation of Organized Crime

The CISC discourse specifies the rationality of monitored issues to be well-established crime patterns that have been sustained over time, and continue to receive law enforcement attention (CISC, 1997-2003). The crimes that are monitored typically include drug-related activities, contraband smuggling (firearms, alcohol and tobacco), migrant smuggling (persons), the sexual exploitation of children and technological crimes. They depend on the assumption that organized crime is well-established in society and continues to be a sustainable and durable phenomenon.

Evidence to support these assumptions emerges in the discourse through experts and witnesses. Experts are typically, authority figures (i.e. national and international organizations and departments[17]), who guide and support CISC (and audience) views about organized crime through relaying relevant information (i.e. statistics).[18] Witnesses

tend to relay personal experiences from either personal or agency perspectives. Both types of testimony find their ways into tracts that support the assumption that organized crime causes significant harm and is commonplace.

The discourses use experts to estimate organized crime's harm. The Quebec Finance Department, for instance, is depicted as an expert who estimates $150 million loss in revenue resulting from contraband alcohol trade.[19] In this example, the scale of economic harm is developed by an (unreferenced) study, which claims that alcohol smuggling resulted in a revenue loss of: 'one quarter of its market was contraband alcohol, representing an estimated revenue loss of $250 million to the provincial government and $100 million to the federal government' (CISC, 1999: 27). Similarly, the International Centre for Migration Policy Development is used to demonstrate the revenue loss resulting from smuggling. For instance, they contend that, 'globally, smugglers are profiting by as much as $9.5 billion a year' (CISC, 2000, p. 8). The Payment Card Partners (PCP)[20] is also considered an expert in their assessments of the economic harms produced from counterfeiting. In one example, they calculate that, 'the dollar loss figures for 2000 is $172.5 million compared with $226.7 million for 1999' (CISC, 2001, p. 51). Framing organized crime in these fashions allows experts to represent organized crime through numbers (statistics and figures) and numerically-oriented language.

The CISC discourse differentiates witnesses as distinct from experts. Witnesses are said to possess experiential knowledge gained through being a regulator or victim of organized crime. Victims are used to highlight the personal/social harms.[21] To illustrate the dangers of weapons, for instance, CISC contends that,

> The illicit firearm market supplies organized crime groups in Canada with the capability to commit crimes, provide protection, demonstrate status, and intimidate or inflict violence on their criminal peers, the law enforcement community and innocent citizens. (CISC, 2002: 33)[22]

By contrast, witnesses who are involved with law enforcement[23], voluntary and non-profit organizations[24], and private agencies (i.e. liquor departments) are called upon to share their insights into the ways organized crime operates.[25] In the process, organized crime's status as a real entity is underscored.

Both experts and witness testimony helps to create CISC images of how to understand and monitor organized crime's harm-causing behavior in institutional (political), economic and social contexts. This knowledge is the groundwork in the discourse, allowing the discussion to move into the so-called emerging trends of organized crime. The discursive focus on emerging issues suggests that organized crime is not a fixed entity, but one that changes and evolves in new ways, to broader geographic locations and with increasingly sophisticated technologies. As a result, the nature of its harm takes ever-changing forms.

Perpetuating Organized Crime through the Rationale of 'Emerging' Issues

The rationale of emerging issues subsists on depictions of organized crime as changing and transitory. Specific criminal activities representing emerging trends most often include Internet-related crimes, diamond-related crimes, and smuggling at Marine Ports. These crimes represent the creative ways organized crime expands and diversifies criminal techniques to invent new methods and markets for crime commission. Representing this view of organized crime occurs by emphasizing and specifying a number of changing laws (legislative responses),[26] regulatory techniques, precedents,

documents, and specific cases emerging in recent years. A corresponding definition of organized crime emerges as an adaptable and flexible entity, capable of evolving.

Precedents are used to explain why flexible legislative and law enforcement responses to organized crime are required. Specifically, sensational and high-profile precedents call attention to the magnitude of organized crime's general harm.[27] The R.J. Reynolds case is said to indicate the economic harm caused by organized crime's participation in tobacco smuggling between Canada and the U.S. In March 2002, the Government of Canada appealed an October 2001 decision by the United States Court of Appeals to the U.S. Supreme Court. The U.S. Appeals Court had dismissed the Canadian government's one billion dollar lawsuit against RJR MacDonald Inc., several related companies and the Canadian Tobacco Manufacturers Council. This lawsuit alleged that the defendants had conspired with well-known distributors and smugglers to ship tobacco products to the United States and then smuggle them back into Canada for sale on the illicit market (CISC, 1999: 26; CISC, 2002: 37).[28] By highlighting specific case studies, such as the RJR lawsuit, CISC is able to underscore the specific ways organized crime operates in certain criminal circumstances.

From the foundation provided through precedents, this enables CISC to represent how organized crime is capable of adapting and evolving into new or unorthodox criminal contexts. For instance, the increasing use of counter-surveillance methods to monitor police shows how OMGs change in order to evade new police responses (CISC, 2001: 50). Similarly, EEOC groups are depicted as being known for their 'entrepreneurial and opportunistic tendencies,' which derive from their 'adaptability and strong motivation for profit' (CISC, 2002: 14). These examples highlight organized crime's

ability to gather knowledge about law enforcement or the economy, in order to evade police detection and profit. Thus, CISC fosters the idea of emerging trends by linking images of organized crime's changing nature and adaptability to implied assumptions about their intellect and resourcefulness. In this case, harm is not necessarily reduced to conventional ideas of violence, but is reconceived to mean organized crime's ability to outwit law enforcement. Thus, characteristics of adaptability, flexibility, and ingenuity are harmful characteristics of organized crime, allowing them to evolve into many new areas of criminal activity without much resistance.

Finally, by drawing attention to numerous conferences, committees and forums proliferating in recent years to regulate emerging trends, the discourse implies that organized crime is a growing problem. A few notable examples include the Cross-Border Crime Forum, the Kimberly Process to protect against Diamond Theft,[29] the Standing Senate Committee on Security and Defence, and a Federal Working Group established in 2000 under the Canadian Strategy to Promote Safe, Wise and Responsible Internet Use.[30] These diverse groups attempts to deal with some or other aspect of organized crime, and have the effect of creating an image of a changing and evolving entity. In turn, this implies unstable views of organized crime as both normalized/changing and steady/unpredictable.

The last rationality in the discourse is prioritizing organized crime. The main function of this rationality is to discriminate the rationalities of criminal organizations and criminal activities into levels or ranges of perceived seriousness and harm. One way prioritization operates in the discourse is through rhetorical strategies producing cause-effect relationships between criminal organizations, criminal activities, or both. In

contrast to the previous two rationalities, prioritizing organized crime reveals the ways in which CISC deciphers both criminal organizations and criminal activities by relaying or implying their opinions, in order to decipher what aspects of organized crime are more or less deserving of law enforcement attention.

The Rationality of 'Prioritization': Constituting a Hierarchy of Organized Crime's Harm

With the CISC's discourse, prioritizing organized crime seeks to formulate relationships between specific criminal organizations and criminal activities based on what they consider the most harmful features. Some criminal organizations are heralded as particularly criminogenic and so worthy of special attention under the larger heading of 'national priority' (CISC, 1997-2003). So in a discussion of how street gangs assist larger criminal organizations, CISC contends:

> The gangs organization and capacities range from unstructured and low-level criminal activities – such as assaults, shoplifting and bullying to more structured gangs with high-level criminality, such as established drug trafficking and prostitution networks. (CISC, 2003: 27)

In this example, prioritization discursively applies to gang's criminal activities by suggesting levels of crimes. The emphasis on low-level and high-level implies that low-level crimes are individually-conducted, such as assaults, bullying, shoplifting, and are thus less consequential than more organized networks and relations of criminal activity. At the same time, this particular example reflects the opinion that gangs are merely assistants to more developed criminal organizations, and are therefore prescribed a lower priority designation from CISC.[31]

In relatively similar example, CISC contends that the size and level of sophistication varies among organized crime groups and determines the scope of their

criminal activity (CISC, 2003: 16). In this case, the larger and more sophisticated the criminal group is, determines the level and scope of resultant harm. This opinion reflects in another example referring to street gangs. CISC argues that,

> The capacities of street gangs vary across the country but are generally limited in level and scope to unstructured, spontaneous, street-level criminal activities with little or no investment in criminal proceeds. The fluid, transitory nature of street gangs also limits their stability and group cohesiveness. (CISC, 2003: 27)

Similar to the previous example, this vision of organized crime again implies that unstructured criminal groups are less of a threat than highly organized networks. Taken together, then, all of these representations reveal the opinion that the magnitude and sophistication of the criminal group results in higher priority designations from CISC. Although the human dimension of organized crime is represented as the highest priority for CISC overall, the discourse reinforces and supports this view of prioritization by sub-prioritizing criminal activities, group structures and so forth. By and large, prioritizing organized crime charges attention to some criminal activity, while attention to other, less relevant criminal behaviors and activities are played down. In sum, these examples provide some insight into the criteria by which CISC and law enforcement prioritizes organized crime.

It is also significant to note that both CISC views on priorities of criminal activities and group structure, in some cases, contradict the views put forth in the Committee Hearing and RCMP discourses. For instance, CISC views the fluidity and transitory nature of the group to be limiting, while the RCMP claims this feature to be the reason why criminal organizations evade detection. Similarly, the CISC defines assaults and bullying to be low-level criminal activity, while the Committee Hearings focus

almost exclusively uses violence (i.e. the biker wars) to illustrate organized crime's most harmful behavior. However, this may be a result of the differences in politicization across the three discourses. CISC takes a more descriptive approach to defining organized crime in the Annual Reports, while the RCMP and Committee Hearings are less formally constructed discourses, which reveals more visible connections to political influences.

CONCLUSION

This chapter examined many of the rhetorical strategies in the Annual Organized Crime Reports in order to show precisely how CISC defines organized crime into an object of government. In spite of the many ways rhetorical strategies arranged the discourse and defined organized crime in the descriptive content, the primary CISC rationalities focused on criminal organizations or criminal activities as the primary markers of this phenomenon. While these rationalities produced organized crime as an isolated object from society, the scope and level of detail, evidence and testimony included in descriptive content sections, precludes alternative ways to imagine and discern organized crime. It also produces multiple discrete, yet diverse, definitions of organized crime, which interrelate to uphold and sustain these larger rationalities from a number of practical and conceptual angles. The consequence is a diversity of knowledge, definitions and rationales subsumed in the discursive boundaries of criminal organization and criminal activity.

As indicated, the introductions of the reports outline the important role the public plays in reading the reports and being aware of organized crime. The precision with which knowledge is organized in this discourse indicates a strategic effort on the part of CISC to formulate representations of organized crime to produce clear, concise and a

simplified depictions for a potentially diverse audience. Thus, while the overt function of the reports is to provide information and awareness, the concealed intention seeks to reorient public opinions and awareness in alignment with CISC thought and interpretation of organized crime. This may also account for the formal presentation of this particular discourse, particularly in comparison to the less formally constructed RCMP and Committee Hearing discourses. Accordingly, the final chapter considers the Committee Hearings, RCMP and CISC discourses together, to examine how certain assumptions sustain limits to discursive thought and practices, while other forms of knowledge are overlooked or disregarded.

NOTES FOR CHAPTER FIVE

[1] The CISC Annual Reports on Organized Crime consistently reflect the same format each year. Each report begins with an Introduction stating the function of CISC and the purpose and intent of the reports as relayed by messages from the Chairs and Director of CISC. The remainder of the reports comprises the majority of subject matter used to depict and understand CISC views of organized crime. Information about organized crime is arranged taxonomically by dividing knowledge of organized crime into various categories and produces a grid to interpret organized crime.

[2] The central bureau is host to an online computer data bank known as the Automated Criminal Intelligence Information System (ACIIS). This data bank is the national intelligence repository for the use of all CISC members. All member agencies cooperate with each other in the collection, collation, evaluation, analysis and dissemination of criminal intelligence by contributing ACIIS.

[3] Access to information/intelligence in ACIIS is decided by the Provincial Bureaus; however the CISC Central Bureau has levels of membership which determine access by membership. For instance, Level 1 Members are federal, provincial, municipal or regional police that have a permanent intelligence unit and Level 2 memberships include police services or agencies responsible for the enforcement of federal or provincial statutes unable to meet the qualifications for Level 1 (CISC, 2003).

[4] See also Haggerty & Ericson (2000), for an alternative view of the information processes inherent in intelligence and police systems.

[5] With only mild deviations between reports, the features of information are included in all of the introductory and opening statements (CISC, 1997-2003).

[6] See, for instance, his discussion on Project Sleipner: an intelligence technology to measure and assess organized crime according to 19 primary attributes.

[7] A common quote in each introduction is as follows: "The *CISC Annual Report on Organized Crime in Canada* is published to inform and educate the public. The activities and workings of criminal organizations are often complex and can be hidden from the everyday world. With this report, CISC seeks to make the effects of organized crime visible and of concern to every community and region in Canada. One of the keys of this success in the fight against organized crime is partnerships between law enforcement agencies as well as with policy makers and the public. Organized crime is a threat to public safety and to all Canadians. Law enforcement needs people to recognize the effects of organized crime on their communities." (CISC, 2003: iii)

[8] This specific group is presumed by CISC to be the American arm of the Cosa Nostra (CISC, 1997-2002).

[9] There are many other examples.

[10] For example, the Ontario Illegal Gambling Enforcement Unit (OIGEU) seizure of 950 video gambling machines, illegal gaming houses and book making operations as an example of the magnitude of the problem. In this particular case, 495 people were charged with 787 gaming offences (CISC: 1999: 31).

[11] See also CISC 2002 report for explicit names of the puppet clubs and the types of crimes performed (20)

[12] There are many examples of the types of responses initiated by police. See, for example, Project Amigos against bike gangs (CISC, 2003: 14; CISC, 2002: 24); Project Omerta against TOC (CISC, 2003: 16); Project RIP (CISC, 2003: 17; CISC, 2001: 27); and Project North Star against border crime (CISC, 2003: 21). There is also a related Manitoba investigation into child abuse (CISC, 2003: 25; CISC, 2002: 26-7); while investigations have also been directed at economic crime (CISC, 2003: 30); and Operation Greensweep against drugs (CISC, 2003: 3) (to name only a few).

[13] Other, specific examples of auto theft are represented by the Insurance Bureau of Canada, who reports that more than 500,000 of the vehicles stolen in North America have ended up in the former Soviet Union over the past 5 years (2001: 25). Also, the Canadian Center for Justice Statistics further supports this claim, maintaining that 25 percent of the stolen vehicles in Canada can be attributed to organized crime (2003: 9).

[14] Another example is AOC groups, who are presumed to create alliances with street and youth gangs will become increasingly important as AOC groups seeks labor pool to expand their criminal activities, to insulate their senior members and as a source of recruits (2000: 7-9)

[15] For a discussion on how the Hells Angels promote their gang publicly, see (CISC, 2002: 7)

[16] For other examples, see (CISC, 2001: 50; and, CISC, 1999: 29)

[17] These include other G8 countries and the European Union (CISC, 2002: 27). Specific references are to U.S. Customs and the ATF (CISC, 2002: 34); the World Health Organization (WHO) (CISC, 2002: 37).

[18] Some Canadian experts include the Canada Customs and Revenue Agency (CCRA to illustrated how contraband and other goods seized at Canadian seaports is an effective mode of governance (CISC, 1998-2003). In the context of migrant smuggling, similar illustrations attesting to successful partnerships include Citizenship and Immigration Canada (CIC) and the US Immigration and Naturalization service (INS) (CISC, 1999: 10).

[19] Other relevant government (at municipal, provincial or federal levels) referred to in the discourse include Canada Customs (CISC, 1999: 29); Interpol Ottawa (CISC, 2002: 28); the CCRA (CISC, 2001: 48)

[20] This is an agency dedicated to representing Visa International, MasterCard and American Express in Canada.

[21] Similarly, a description of the means by which Interpol Ottawa coordinates international investigations of child pornography emphasizes the international ramifications of this crime (CISC, 2000, p. 16).

[22] For example, CISC also contends that,'...there are currently 1.2 million registered firearms in Canada... In the last 20 years, more than 87000 firearms have been reported stolen, lost or missing in Canada. Therefore, it is clear that there is an enormous underground arsenal of firearms available to the criminal world' (1998: 20).

[23] There are a very wide range of examples of law enforcement. Some examples include the Ontario Illegal Enforcement Unit (OIGEU) (CISC, 1999: 31). Other references include the Winnipeg Police Service and Ontario Provincial Police (OPP) (CISC, 1999: 23); International Border Enforcement Teams (IBETS) (CISC, 2002: 33); Provincial Weapons Unit (PWEU) (CISC, 2002: 34) and National Weapons Enforcement Support Teams (NWEST).

[24] See, for example, a discussion on the Canadian Association of Internet Service Providers (CAIP) for their assistant role to law enforcement regarding organized crime (CISC, 1999: 33); see also the organization Pedowatch against pedophiles (CISC, 1999: 22)

[25] See, for example, the Newfoundland Liquor Corporations role in deterring alcohol smuggling (CISC, 1999: 28)

[26] Many legislative responses are referenced throughout the seven reports. For examples of legislative changes pertaining to child prostitution and child sexual exploitation on the Internet, see (CISC, 2002: 29-30). Regarding tobacco, new tax changes were introduced in April 2001 that involved increases in federal and provincial taxes along with a revised export tax (CISC, 2002: 36). Other federal legislative changes include *The Personal Information Protection and Electronic Documents Act* in April 2000, which aims to protect consumers and their information from fraudulent behavior. The Ontario government passed an Act to Provide the Civil Remedies for Organized Crime and other Unlawful Activities in April 2002, specifically geared toward outlaw motorcycle gangs, and directed at proceeds of crimes offences (CISC, 2003). In Quebec, a new Building Code Act permits municipalities to pass bylaws prescribing standards of fortifications, barricades and surveillance equipment on property considered suspect (CISC, 2002: 22).

[27] See also two cases in British Columbia receiving much attention from CISC. In the first case, the BC court of appeal upheld a lower court ruling that sections of Canada=s child porn law contravene the Charter of Rights and Freedoms, although this judgment was not binding in other provinces (CISC, 1999: 23). In a similar B.C. case in 2001, the Supreme Court of BC ruled on an artistic merit defense in instances involving written works of child porn. The judge decided that the defendants short stories had artistic merit, and was therefore not guilty. In response, the federal government announced plans to introduce new legislation to address Aidentified gaps in existing laws, including the tightening of the definition of artistic merit (CISC, 2002: 28)

[28] Other cases receiving attention in the CISC discourse include the 1999 case, which dealt with the issue of migrant smuggling. Referred to as the Aboat people@ case, it resulted in the deportation of 599 illegal Chinese migrants who arrived off the coast of BC on four decrepit ships; moreover, these migrants were held in custody while their cases were heard by CIC (2001: 18). Also, the September 11 attacks are described in the context of discussion of changing law enforcement strategies (Introductions in CISC, 2002-03).

[29] The intention is to counter increasing diamond thefts/smuggling out of Northwest Territory diamond mines. The collaboration specifically included national governments, non-government organizations and the diamond industry. The purpose of this collaboration was to, 'establish minimum acceptable standards for the national certification schemes for the international movement of rough diamonds' (CISC, 2002, p. 35).

[30] See for example, the Cross Border Crime Forum (CISC, 2002: 32); the Standing Senate Committee on National Security and Defence (CISC, 2002: 39); a federal working group established in early 2000 under the Canadian Strategy to Promote Safe, Wise and Responsible Internet Use (CISC, 2001: 39)

[31] There are also specific examples related to TOC. Their influence is presumed to relate to territory. In one example, the, 'most influential TOC remain in central Canada; specifically with the largest networks having influences in key locations across the country, including BC and the Atlantic region' (CISC, 2003: 17). Similarly, 'TOC involvement in the illegal drug trade is more at an upper echelon level of drug importation and distribution than other groups' (CISC, 2002: 17).

CHAPTER SIX

REEVALUATING REGULATORY DISCOURSES: ALTERNATIVE POSSIBILITIES FOR ORGANIZED CRIME

The preceding chapters have attempted to analyze three Canadian regulatory agency discourses on organized crime. Using the analytics of government theoretical framework, an examination of the rhetorical mechanisms advancing rationalities in each discourse is used to isolate how these modes of reasoning justify and validate specific foundations of, and techniques to govern, organized crime. My analysis focuses attention upon influential rationales, techniques and strategies, directed at (and helping to sustain) organized crime, to show how given patterns of thought (governmentalities) solidify, maintain and perpetuate practices around defined images of organized crime. These findings were then used to attend to the existing relationship between governing thought and action on organized crime in Canada.

In proposing a brief evaluation of these three discourses, this concluding chapter contemplates the limits of each discourse. To gain a broader comparative view, it focuses on the instances where images of organized crime are firmly maintained and the instances where they are less stable.[1] If an analytics of government approach usefully identifies and (re-)evaluates governmentalities, it is less focused on identifying what is absent, beyond or in-between given conceptual horizons. I thus propose to extend beyond governmentality to look at relations of knowledge and power which do not view organized crime solely in terms of problematizing the already in-motion assumptions that currently characterize regulatory discourse.[2] To extend beyond these problematizations, I review both key assumptions responsible for sustaining the limits of discourses and consider points in the discourse where less influential assumptions or knowledge exists.

From these identifications, I suggest where alternative thought about organized crime might arise (see Pavlich, 2000: 87-108).[3]

Although the point of this dialogue is to question dominant notions, it is not the intention of this argument to assume or suggest that this reformation is an improvement to the discourses currently available. Instead, it seeks to unearth, for the purpose of (re-)considering, the prospects of unconventional or alternative ways to reevaluate patterns of thought currently dominating regulatory discourses about organized crime.

REVIEWING DOMINANT REGULATORY ASSUMPTIONS

In order to address what knowledge is missing, overlooked or disregarded in the discourses, I first review how three key assumptions traverse the Committee Hearings, RCMP and CISC discourses to produce the greatest limits on regulatory discourses. The first major assumption sustaining discursive limits is that organized crime is a profit driven entity. For regulators, one advantage of this assumption is that it easily translates into, and justifies, many technologies of government. For the RCMP, this assumption creates partnerships to agencies in banking and finance, which produce alternative channels for government to become visible. For CISC, the assumption of profit motivation represents one of the ways to demonstrate how criminal activities cause harm to the economy.

Another constantly recurring assumption in all three discourses is that organized crime operates internationally. Each discourse explicitly and implicitly describes organized crime's involvement in crimes transcending national boundaries to necessitate responses that do the same. In the Committee Hearings, depicting organized crime in international terms invoked legislative changes to extend authority into other countries.

The RCMP and CISC identify specific crimes, such as smuggling (human and commodity) and the fraud of international documents, to justify an expansion of the police activities into agencies specialized in knowledge about the territory (such as immigration, transportation and customs departments). Overall, the emphasis on the international dimensions of organized crime allows the examined discourses to call upon regulators to operate in diverse ways and on a global scale.

Perhaps the most influential assumption of all depicts organized crime as a threat/danger to society. Framed in moral terms, all three discourses revert to this assumption in order to demonstrate the exact ways organized crime harms people and society. Direct claims about organized crime's evil, threatening and dangerous nature are evoked rhetorically to underscore the importance of doing something about organized crime. The most extreme result emanating from this assumption appears in the Committee Hearing discussions surrounding the issue of police immunity. Here, the need to do something about organized crime is used to justify almost any type of governmental practice proposed under its reasoning, and to grant police extraordinary immunity from criminal prosecution in specifically designated undercover operations.

Taken together, the reuse and recycling of these three assumptions is most responsible for creating limits across all three discourses by associating multiple notions of harm in social, economic, political, international, and many other sub-contexts. The potency of these three assumptions is enhanced when they correlate to create a larger mentality capable of overriding oppositional or alternative thought. They are also broad and ambiguous assumptions, which produce a convenient malleability to definitions of

organized crime, authorizing the presence of these definitions in many discursive contexts.

As well, the malleability afforded by these assumptions licences significantly expanded roles for regulatory agencies. Specifically, they strategically allow the Committee Hearings, RCMP and CISC to appear as agencies who are champions of democracy, security and freedom. The success of these assumptions to create both coveted roles for regulators and organized crime centers on the notion of authority: the regulators produce authority and so provide limits for organized crime's resistance to authority. Ironically, the latter helps to create and sustain the former.

In the discourses, there are at least two instances where the discursive limits set by these assumptions obviously appear. To begin with, limit-setting is created by mentalities that are common to all three discourses. My analysis suggests that such similarity in thought may result from the large police presence and influence on perceptions of organized crime in Committee Hearing and CISC discourses. In the Committee Hearings, for instance, the police comprised the majority of witnesses, produced the majority of views about organized crime, and had great influence over the decisions about what clauses to include in final draft of Bill C-24. Likewise, the information used to create the CISC Annual Reports on Organized Crime originates from municipal, provincial and national law enforcement agencies in Canada. This suggests the potential of one agency (the police) to set limits for other institutional discourses by having the influence to create shared mentalities and common definitions of organized crime.

In a more direct way, limit-setting is represented through a discursive focus on strategies to centralize information and knowledge about organized crime in one

comprehensive strategy. The Committee Hearings developed legislation that emulated and conformed to legislative patterns already in effect in the United States and the United Nations. The RCMP seeks to centralize knowledge by facilitating partnerships with other law enforcement and external partners at national and international levels. This allows for broader and more diverse types of information converging into one police-based system of regulation. CISC's institutional form implies a system of centralized control, since its primary function is to manage and share information within and between law enforcement agencies in Canada. Although different in terms of the variant roles and mandates to govern organized crime, each agency produces and participates in systems of centralized knowledge. In these ways, the centralized systems of control and surveillance, justified as necessary, might also be viewed as the outcome of practical representations that effectively direct discursive limits around the idea of organized crime.

While strategies seeking to centralize many forms of knowledge are considered the best solutions to organized crime in all three regulatory discourses, acknowledgements of the possible disadvantages associated with such strategies are avoided. For instance, that these systems could create vulnerability to law enforcement from the susceptibility of computerized technologies to information system breakdowns and attacks is never entertained. Systems of centralized knowledge may also produce all-encompassing systems of scrutiny controlled by an increasingly narrow regulatory perspective (Boyne, 2000). My thesis has not determined whether centralized technologies (technological systems) encourage centralized ways of thinking (i.e. the police influence), or if the system of influence operates in the reverse. However, this point provides insight into how discursive limits come to be constructed when organized

crime is perceived and responded to through increasingly convergent mentalities and techniques of government. It also forces consideration of what alternative options might be possible.

LESS INFLUENTIAL KNOWLEDGE IN THE DISCOURSES

Considering all three discourses together, the emphasis on organized crime's motive to profit, aptitude to operate on an international level and capacity to produce harm and danger outweigh any other concerns. For instance, there is little or no mention of the importance of limiting regulatory and enforcement responses. The influence of these three assumptions successfully masks the discursive spaces where less dominant knowledge exists about organized crime. This overlooks contradictory, uncertain and paradoxical knowledge. The following discussion inquires into three limit-disturbing features of the discourse, by focusing on points where regulatory knowledge is contradicted, disregarded or simply missing.

Contradictions in the Discourses

All three regulatory discourses discussed in this thesis contain inconsistencies in their assumptions, rationalities and techniques of government relating to organized crime. To begin with, there are several not so common definitions of organized crime, which persist alongside the key assumptions. For example, we have seen how organized crime is defined as adaptable, omnipresent, multi-faceted, sophisticated, sustainable and specialized[4] in all three discourses. However, instead of acknowledging the ingenuity of organized crime, which might assist in developing appropriate responses, regulators prefer to cast organized crime in terms of profit-motivated, international/global and threat/danger. This leaves the same, predominant assumptions producing techniques and

strategies deriving from the same patterns of thought, while assumptions about organized crime's resourcefulness or evasiveness are less influential and typically used to reinforce or diversify the meanings associated with the three, predominant assumptions. The regulatory preference to continue to perpetuate the assumptions of profit, internationalism, and threat, also raises questions about the potential to change governmentalities if less influential assumptions and definitions took a more privileged position. Since regulators already depend heavily on these three assumptions, this compels consideration about how governing would change if different assumptions are prioritized.

Secondly, there are contradictions in regulatory mentalities about organized crime. For instance, since each of the regulatory agencies represents the law, one might expect rationalities to be essentially coercive or punitive in nature. This is not the case, however, and if the law is the point of origin linking these discourses together, the rationalities produced in these discourses indicate a divergence into a sort-of counter-law thought. For instance, although coercive and repressive rationalities aimed at suppressing organized crime continue to exist, they are more often than not, contradicted by affirmative rationalities, such as assistance, preventive, improved and anticipatory frames of thought. In fact, the only points in discourses where coercive mentalities do emerge are in response to controversies and crises. For instance, the issue of police immunity from criminal prosecution in the Committee Hearings caused enough controversy to reframe the notion of organized crime into a matter of war and life and death.[5] Coercive mentalities permeate the Committee Hearing discourses, in ways that successfully negotiate tensions and arguments, as well as granting police the legal power to act

criminally in designated, undercover circumstances. Similarly, the event of September 11 is a crisis in the RCMP discourse, which led to the emergence of coercive rationales. As discussed, the discursive effect of this mentality resulted in conceptual associations between organized crime and terrorism. Consequently, this magnified the ways to perceive organized crime as a dangerous phenomenon, by creating it into a dual threat through identifying similarities to terrorists and/or extremists.

Finally, trying to decipher what practices are the most effective and best-suited to regulate organized crime represent the most visible contradictions in the discourses. The RCMP and CISC discourses, for example, most often highlight strategic practices, such as integrated policing through partnerships and information-sharing, to be the two most effective measures to the control organized crime. At the same time, the RCMP discourse simultaneously promotes tactical practices, such as undercover policing operations, as the single most important strategy. Particularly after Bill C-24 received Royal Assent, the practice of undercover policing becomes the central image of successful organized crime government for the RCMP. However, the 9/11 attacks receive greater discursive attention, and it is not long before the RCMP discourse falls back to promoting strategic measures (i.e. integrated and intelligence-led policing) as the best and most suitable practices.[6] Similarly, the Committee Hearing discourses emphasize multiple strategies; each considered the best practice to govern organized crime according to the specific rationale promoting it. This leaves collaborations with financial institutions as the best method to regulate proceeds of crime, while designating Justice System Participants is considered the best way to control intimidation.

While each practice appears logical in the discursive context it is discussed; taken together, this leaves contradictory images and reasoning regarding the best practice to control organized crime in its entirety. While these particular examples appear to reveal contradictions regarding what strategies are best suited to govern organized crime, they may also reaffirm the contingency and inseparability of regulatory discourses to political change and public perceptions. Nevertheless, comprehending what regulators consider to be the best response against organized crime produces multiple and contradictory strategies of government, each considered necessary and the best suited response in its designated discursive context.

Disregarded Knowledge in the Discourses

The previous section saw how contradictory knowledge produces confusing and unclear messages about the assumptions, rationalizations and best practices to regulate organized crime, guiding regulatory thought. In this section, I briefly examine how regulators include the information and views necessary to support their claims, but dismiss other, potentially relevant, information. I use the example of corruption (another debatable concept[7]) to illustrate the point.[8]

The role of each agency to regulate organized crime must assume its own law-abiding behavior in order to credibly accuse others of crime. Creating a law-abiding vision of regulatory agencies also requires an object such as organized crime for the agency to discursively separate itself. One way this law-abiding front sustains in all three discourses, is by disregarding any claims implicating political or legal involvement in crimes or relations designated as organized crime. Woodiwiss argues that the preference to view organized crime as an illegitimate entity is a political one;[9] and has the double

beneficiary of justifying harsh political and legal rhetoric and measures against organized crime, while concurrently creating a pro-police mythology (Woodiwiss, 2001). In this case, the discourses use a harsh rhetoric and a pro-police mythology by disregarding the issue and possibility of politico-legal involvement.

In one particular instance, a lawmaker in the Committee Hearings acknowledges that political and legal measures may nurture organized crime.[10] His hint at corrupt behavior is dismissed, however, by rebuttals suggesting that corruption is a necessary safeguard to avoid further intimidation by organized crime. This way, politico-legal actors are absolved of responsibility through the implication that corrupt behavior may exist due to the intimidation of organized crime. Consequently, organized crime continues to be viewed as a threat, since the fear they inspire through intimidating, outweighs the immorality of politico-legal actors.

Although this issue is almost completely disregarded all three discourses, it has received some academic attention (Beare, 1997; Chambliss, 1998; Woodiwiss, 2001). In any case, the rhetorical act of disregarding knowledge about the political or legal involvement in organized crime strategically facilitates the separation necessary to provide the opposition between organized crime (immoral) and politico-legal forms of government (moral).

What is Left Out...

While disregarding certain opinions involves avoiding uncomfortable or less popular opinions, there are some sources of information/knowledge missing from all three discourses. What I found to be missing ideas or information from the discourses, are the alternative sources of knowledge I propose in the following section.

The appearance of academic forms of knowledge in the discourses is extremely rare,[11] although this may be due to, for example, past clashes between academics/policy makers, the increasing privilege placed on technological and scientific solutions, and the increasingly diverse ways academics choose to study crime (Haggerty, 2004). In addition, considering the considerable emphasis placed on the international dimension of organized crime, knowledge about non-Canadian countries, systems of regulation, lifestyles, and so on, are strikingly deficient in all three discourses. Although the RCMP educational and training systems represent a means to tap into foreign types of knowledge, they remain in a police discursive context, and almost exclusively consist of partnerships between law enforcement and security agencies. While this strategy may provide openings to access alternative (foreign) knowledge, it is currently restricted to police knowledge and is presented in the RCMP discourse from a Canadian perspective.

Furthermore, considering the amount of discursive space dedicated to protecting innocent citizens and the public from harm, there is very little direct representations or first-person input from these sources. Rather, these two concepts are widely used to justify strategies, with little or no indication of the persons or contexts comprising such depictions.[12] Perhaps the greatest void in the discourse, however, is from organized crime itself. The idea of organized crime is solely in the hands of regulators, with no input from, or indication of the individuals presumed to be members and participants of this phenomenon. Instead, this concept develops from regulatory representations, most often characterized by an assortment of criminal activity, geographical location, motivations, structural composition, and so forth.

Finally, considering the intensive police influence in Committee Hearing and CISC discourses, there is very little reference to the role of traditional or tactical strategies in light of the overwhelming focus on strategic measures. Some researchers have additionally made note of the conspicuous absence of this practice in recent discourses, and suggests tactical knowledge to be an underutilized resource in the government of organized crime (Sauve, 1999; Gerofsky, 2003c).[13] Any of these precluded knowledge sources could potentially shift politico-legal thought by producing alternative channels to think about organized crime through unconventional or outdated forms of knowledge.

The current lack of alternative knowledge may stem from a regulatory interest in absolute information to assist in direct enforcement, rather than alternative perspectives without direct and practical implications. It may also have to do with the conformity representative of an institutional or regulatory culture. This analysis found indications of a regulatory culture by the way similar definitions and rationalities transpired between discourses. This culture also appears in the discursive ways regulators use language to bring together similar notions about organized crime while disregarding and avoiding others. As discussed, the predominant profit-motive exists in all three discourses, while the issue of politico-legal involvement (corruption) is always dismissed.

So far, this section has attempted to address points in the discourse where limits are disturbed through contradictory information, disregarded and precluded knowledge sources. The final section draws from these instabilities to contemplate where spaces might exist to accomodate alternative thought and practices directed at organized crime.

CONSIDERING THE IMPLICATIONS OF ALTERNATIVE KNOWLEDGE

The remaining discussion speculates on the points in the discourses where alternative thought may arise. I draw from the noted contradictions, disregarded and absences noted in the previous section to indicate how these might provide points of departure for redefining and reconceptualizing the notion of organized crime. For example, one could note the following: reviewing regulators as the object of surveillance instead of organized crime, thinking outside of the traditionally bound law enforcement/organized crime dichotomy by reframing organized crime using alternative frames of reference (i.e. less influential assumptions), and considering the repercussions of separating legal from political influences on definitions of organized crime.

Reversing the System of Surveillance: Law Enforcement as the Object of Government

It may be possible to encourage alternative knowledge and perspectives by inquiring how organized crime might themselves be targets of organized crime's governmental practices. Examining the ways law enforcement is open to scrutiny, may provide insight into how organized crime views, depicts and responds to law enforcement. I first consider the possible exposures in regulatory discourses that may facilitate organized crime resistance to regulation. This is followed by a proposal of how regulatory governmentality may step outside of potential susceptibilities through alternative knowledge and practices.

First, all three discourses highlight the sensational images of organized crime, while the everyday features of organized crime are rarely acknowledged. The Committee Hearings, for example, draw largely from the Quebec biker wars to illustrate organized crime's violence and danger, while the RCMP bestows much discursive attention upon

the September 11 event to construe similarly high-profile, violent depictions. As discussed, there is also much attention directed to the profit motive and internationalism of organized crime. All of these assumptions separate organized crime into a discrete entity, and imply its visibility and identity in accordance to these primary discursive markers.

If the function of these agencies is to inform and produce awareness about organized crime through publicly available documents, however, these depictions may be misleading rather than informative. For instance, they advise that organized crime is distinguishable by symbols such as violent behavior, race, wealth, mobility and location. What these discourses fail to account for, is that such representations may direct public (and legal attention) to faulty conclusions. For instance, any violent event, geographical location, or racial feature, might be taken to suggest definite organized crime involvement, which is certainly not as pervasive as the discourses might suggest. Furthermore, while such depictions may be beneficial for regulators to gather more financial and technological resources, the effect of these definitions on perceptions other than law enforcements, are unconsidered in regulatory discourses.

Outside of overt counter-surveillance strategies,[14] public documents also provide a more subtle means for organized crime to create regulators into an object of knowledge. As one law enforcement agent contends, 'organized crime is extremely well-advised.'[15] If organized crime understands law enforcement perceptions through the venue of public documentation (or any other source), organized crime could respond by not complying with the profiles generated to depict them. Especially in light of the sensationalistic views put forth, this may inform organized crime to react by evading stereotypes and, thus, law

enforcement and public perceptions/detections. In this way, law enforcement is responsible for creating the resistance it seeks to regulate.

Concentrating on the possible effects of regulatory images of organized crime on public perceptions also brings attention to an inherent, conceptual problem with law enforcement assumptions. Specifically, if the objective of public documentation to inform and provide awareness about organized crime to the public, yet it is also the means by which organized crime obtains regulatory knowledge to evade detection; this obscures the distinction between two, valuable regulatory concepts: the public and organized crime. The fact that both the public and organized crime learn from, and have access to, the same information creates confusion between the nature and definitions of both phenomena. Since regulators consistently justify strategies based on a) controlling organized crime and b) protecting the public, clarifying the distinctions between these two concepts may be an alternative action for regulators to gain a more precise understanding of who exactly their targets are, and what makes them different.

Considering the potential effects of depictions on the public and/or organized crime, might shift regulatory focus to consider regulating organized crime through *perceptions* rather than the exclusive, current focus on *behaviors* and *actions* presumed to be organized crime. Strategies to govern perceptions might change the language used to describe organized crime by marginalizing predominant, predictable viewpoints in favor of less considered ones. For instance, drawing from the assumption that organized crime is pervasive might force regulators to consider exactly what they believe makes organized crime invisible from public and regulatory detection. Such clarification might indicate alternative ways to depict organized crime and, therefore, alter the frames of reference

currently dominating regulatory discourses. Additionally, this might allow governing to operate more subtly through minimizing the popular use of sensationalistic depictions and declarations about the nature of organized crime. In turn, this could modify well-known organized crime stereotypes currently typifying organized crime in regulatory discourses, lessen the visibility of regulators to organized crime, and provide more beneficial information for the public.

The next section considers possible alternatives in regulatory thought and knowledge that might be possible were organized crime redefined. Since all three discourses frame organized crime as the opposite of law enforcement, it is this primary opposition responsible for constituting organized crime into an isolated object. Rather than continue to perpetuate the division, I consider the changes of government rendered possible by erasing the traditional, oppositional distinction between law enforcement and organized crime. In this fashion, the notion of organized crime changes to possibly imply other forms of government other than just law enforcement.

Thinking Outside of the Traditional 'Law Enforcement-Organized Crime' Opposition

All three regulatory discourses perpetuate the division between law enforcement as 'good guys' and organized crime as the 'bad guys.' This predominant opposition is articulated through a discursive reliance on the key assumptions of profit motivation, international movement and threat/danger to society, the economy and so on. Rather than continuing to perpetuate the same conceptual opposition, drawing from less influential assumptions and definitions may provide the opening for one to rethink, and thus reframe, the technologies and strategies proposed to govern organized crime. To illustrate

this point, I draw on the present, yet less influential assumption of adaptable, to illustrate the possible dissolution of this long-standing distinction.

The assumption that organized crime is adaptable is more ambiguous, less absolute, and lacking the negative connotations attached to the other key assumptions. The present emphases on the three key assumptions are also limiting in that they are already heavily associated to specific mentalities and ways of responding to organized crime. For these reasons, privileging the assumption of adaptable may provide a more flexible, unorthodox assumptive framework for regulators to open the possibilities of allowing alternative knowledge to enter the discourse. Reordering marginalized over mainstream points of reference, might also make it possible to liberate current mentalities linked to key assumptions, as well as constraints of politico-legal frames of thought and action.

For instance, considering the exclusive emphasis on organized crime's harm-causing behavior in all three discourses, using the assumption of adaptability could change regulatory focus from harm, by allowing possible, alternative knowledges and explanations into the discourses. This may provide regulators with an alternative frame of reference to rethink organized crime as an object of *knowledge* (distinguishable from an object of *government*), that could relieve law enforcement of its many responsibilities demanded by current images of organized crime. By considering knowledge from academics, the public and victims, organized crime, and so forth, these knowledges might bring to light alternative ways to conceive/explain, what are currently articulated to be, behaviors and actions causing harm. In turn, the inclusion of alternative discourses in the discourse might reduce, rather than expand, the regulatory regime of government

currently in effect, by providing insight into the multiple connotations and complex assumptions currently obscuring definitions of organized crime. This may elucidate aspects of organized crime previously unconsidered, producing alternative visions of organized crime, which might not necessarily require law enforcement control. It might also indicate alternative (non-regulatory) outlets and possible methods to control these non-law enforcement aspects.

In the current state of the regulatory discourses analyzed, the maintenance of the term organized crime as the most influential frame of reference, appears to be the main reason implying and requiring law enforcement's full responsibility in this regime of government. As such, the alternative knowledges possible from favoring the assumption of adaptability (or any other alternative frame of reference) could, perhaps, diminish the term organized crime - and its multiple associations to various criminal activities, territories and ideologies - altogether. The implications for practice emerging from a focus on the adaptable assumption could restrict law enforcement participation to only criminal actions causing the most serious and personal harms, and absolving their responsibility to less serious crimes. Peripheral or less serious crimes may be handled in other realms (i.e. civil, economic, humanist, health, administrative and so forth). The advantage to regulatory bodies is that this might separate organized crime into dimensions of activity (not necessarily criminal). This way, law enforcement continues to control certain, relevant aspects of criminality, while the remainder of a 'previous' organized crime is handled by, perhaps more appropriate, alternative domains and systems of government.

Separating the 'Legal' and 'Political' Influences on Definitions of Organized Crime

In this last section, I take a similar approach to the previous section by considering the division of political (moral) from legal (criminal/ non-criminal) mentalities on the perceptions and discursive constructions of organized crime.[16] In all three discourses, political and legal knowledge about organized crime merges to constitute the dominant rationalities and techniques of government. The primary difference between the two mentalities is that political perceptions emphasize moral viewpoints to distinguish organized crime as a dangerous and threatening phenomenon. This form of reasoning produces sensational depictions, which invoke public fears and concerns to legitimate harsh, punitive, broadening and diversifying actions (see Steinert, 2003). Conversely, legal mentalities traditionally view crime according to what is legal and illegal activity as set out in the *Criminal Code*. This reasoning alone insinuates the government of organized crime solely based on what is criminal or non-criminal behavior.

As this analysis has revealed, very few tactics or strategies are solely legal in nature. Rather, these two mentalities act inseparably to produce a complex system of assumptions and rationalities to justify practices aiming to govern organized crime from both legal and political angles. Since these regulatory agencies appear to represent only legal forms of government, being attentive to the differences between these different thought processes might significantly reconstruct regulatory thought and action as it pertains to organized crime.

Dividing the notion of organized crime into strictly legal or political terms may change the face of regulation in the following ways. Without the political dimension, for

instance, current laws pertaining to organized crime might not exist. The Committee Hearings were an example of the multiple political agendas operating through a legal frame of reference to create and codify moral viewpoints about organized crime as a dangerous/threatening phenomenon. The provision to criminalize intimidation reflects the perceived public fears stimulated through a political rhetoric that almost exclusively focuses and perpetuates images of organized crime as harmful and potentially dangerous. Similarly, the criminalization of participation with organized crime goes ahead without clear indication of who participants are or how exactly they assist organized crime. In both of these examples, organized crime was framed within a context of the violence and death resulting from the Quebec biker wars, justifying their implementation into Bill C-24.

The advantage of separating political from legal mentalities could have implications for the reduction of the perceived crimes associated with organized crime. For instance, the current illegality constructed from the newly emerging laws to govern organized crime, in fact perpetuates organized crime by facilitating the legal opportunities to create employment for organized crime by encouraging the black markets to distribute illicit services and commodities. In the past five years alone, the political influence has driven and encouraged numerous pieces of legislation directly and indirectly relating to organized crime; this has effectively broadened and diversified the prospects for law enforcement to approach and regulate organized crime. In this case, the interaction of legal knowledge with political influence has created a larger, broader, and more diverse image of organized crime. If laws are created and maintained from only a legal standpoint (or the inclusion of any other alternate knowledges), this might do away

with the increasing levels of formal illegality created through legislative change, which reduces the dangerous impacts of organized crime by getting rid of the laws and legal conditions creating the demands for illegal services.

CONCLUSIONS

The intention of this thesis is to bring forward a different interpretation of a well-studied and well-documented object of inquiry by questioning the specific discursive processes constituting organized crime as an object of government for three different regulatory agencies. The thesis has examined the discursive processes by attending to the rhetorical strategies producing definitions of organized crime, the rationalities of government emerging from these definitions and the technologies/strategies of government justified as a result. Although there was much variance in the discursive contexts from which rhetorical strategies were deployed between agency discourses, many common assumptions and rationales persisted across the three discourses. This led to my conclusion that a highly consistent pattern of thought about organized crime exists in contemporary, regulatory discourses and implies an institutional culture that views organized crime in relatively homogeneous ways. Although differences exist between the presentation of the discourse, discursive contexts, and strategies of government exist, there is still an indistinguishable alliance between these agencies, indicated by convergent mentalities and systems of government.

Perhaps an alternative way to interpret organized crime in the context of regulatory discourses is as a representation of the organization of regulatory intentions. This analysis has revealed it to be an object around which organized ideas and fundamental assumptions converge to produce organized systems of representation,

organized systems for managing information, organized venues from which knowledge about organized crime can be communicated, organized rationales from which thought about organized crime is possible, and organized systems of control from which to approach organized crime.

In this final chapter, I have attempted to demonstrate how different ways to approach organized crime may be possible. I first illustrate the key assumptions about organized crime significant in sustaining the limits across all three discourses and perpetuating similar images of organized crime. I also investigated the points where less influential knowledge and assumptions of organized crime reside in the discourses, by identifying the points of contradictory, disregarded and missing sources of knowledge. Finally, I proposed possibilities for alternative thought by shifting the main premises currently used in the discourses to, instead, consider the effects of marginalized or absent knowledge as an alternative framework to reconsider organized crime.

This theoretical inquiry revealed that privileging alternative knowledge may provide ways to rethink organized crime in ways that do not necessarily require regulatory involvement with this object/issue at all. Without specific recommendations for change, my attempt in this thesis and, particularly in this final chapter, has been to interrogate the main assumptions currently sustaining and perpetuating regulatory thought. Although there are no definitive conclusions from this theoretical inquiry, the only decisive finding is this: despite the discourses fervent attempts to produce fixed images, definitions and governmental practices; notions of organized crime are currently unable to transcend the conceptual and definitional limitations paradoxically assembled

by the very individuals and institutions seeking better understandings and improved responses to this phenomenon.

NOTES FOR CHAPTER SIX

[1] To be fair, there are instances in the discourses whereby critical, even dissenting statements are offered and recognitions of these limits are evident (although, interestingly, these are mostly by politicians and other witnesses in the committee hearings arguing against predominant police perceptions). However, these are very rare and when encountered, discursively pushed aside. By less stable, then, I am referring primarily to instances in the discourses of uncertainty, contingency or contradiction.

[2] These again refer to the focus on profit, number of persons constituting a criminal organization, the territory organized crime operates in, signature criminal activities, and so on.

[3] Specifically, this draws from Pavlich's ideas on a governmental grammar of critique, as a framework for analysis (2000: 87-108; see also Pavlich, 2001: 141-54). In a slightly different context, Stanley (1996) argues for transgressing the law as an alternative means to simply objecting to the law.

[4] See also Sheptycki, in his analysis of CISC, made note of other definitions in an intelligence-based context, including subversion, discipline, insulation and monopoly – all of which he explain in detail (2003a).

[5] There have been many, interesting theorizations into the changing nature/view of war in contemporary regulatory contexts. See, for instance, Virilio (2003), Nancy (2001) and, Foucault (2003a).

[6] Regarding the RCMP and other police responses to organized crime, CISC tends to reiterate and highlight what the police use and decide to be the most successful operations and techniques. Because of the close relationship between CISC and police views about the best-practice policing measures, I did not use CISC as an example for this particular point.

[7] See, for instance, Beare (1997) regarding the conceptual difficulties faced when defining corruption.

[8] Although I focus on corruption as an example to illustrate my point, Sheptycki (2003a) and Woodiwiss (2001) also bring attention to other subverted crimes in regulatory discourses about organized crime. Particularly, they note how crimes such as white collar crime and environmental crime are missing or receive less attention than do other high-profile crimes, such as drugs and violence.

[9] He argues, the "entrance" of the Mafia in 1946 United States normalized organized crime conceptions to their current state of being, in addition to re-routing police and law-making approaches (Woodiwiss, 2001, pp. 243-311).

[10] The particular instance I am referring was a comment from a lawmaker referring to how organized crime blackmails political figures (in Meeting No. 19, 2001: 53).

[11] For instance, Haggerty (2004) proposes that there is a diminished role for academics in the field of criminological policy. He argues that this may hinge upon factors such as historical clashes between academics and politicians over what the *right* solution to crime is, the high emphasis on technological and scientific techniques as the keys to regulatory success; and the increasing diversification of ways to study crime has made picking and choosing for policy purposes overwhelming.

[12] In one RCMP article, victims are explicity defined to be: youth from sexual exploitation, drugs, cigarettes and car theft; women from drugs and prostitution; senior citizens from telemarketing fraud; consumers from car theft; and, Canadian businesses from unfair business practices (Nicolle, 2003c: 12).

[13] See Sauve (1999), who studied the role of front-line police officers experiences with organized crime. See also Gerofsky (2003c) about the potential usefulness of front-line officer assistance to the RCMP.

[14] See, for instance, an overview on Outlaw Motorcycle Gangs, specifically featuring the Hell's Angels. These discussions describe actual, organized and planned counter-surveillance operations taken by the Hell's Angels against the police, to gather information about the cars they drive, what they look like, where they live, etc., for the purpose of intimidating them (RCMP, 1999b).

[15] This comment was made in the committee deliberations for Bill C-24, regarding the issue of the unintended consequences of police immunity (see Meeting No. 13, 2001: 22).

[16] I am just using legal and political as points of discursive separation, however, there are many unwindings in rationalities that could possibly occur.

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